



UPDATED AMENDED AGENDA - VICTORIA CITY COUNCIL

MEETING OF OCTOBER 13, 2016, AT 6:30 P.M.

Council Chambers, City Hall, 1 Centennial Square

Located on the traditional territory of the Esquimalt and Songhees People

Poetry Reading by Ann-Bernice Thomas, Youth Poet Laureate

A. APPROVAL OF AGENDA

B. READING OF MINUTES

C. REQUESTS TO ADDRESS COUNCIL (Maximum 6)

1. Larry Hannant: Motion regarding Leonard Peltier
2. Marion Cumming: Leonard Peltier
3. Anna Rasmussen: Free Leonard Peltier Letter Campaign
4. James Younger: Food for Fines
5. **Late Item**: Judith Riggs: Proposed Casino for Humboldt Valley
Addenda
6. **Late Item**: Larry Wartels: Leonard Peltier Advocacy Motion
Addenda

D. PROCLAMATIONS

1. "World Mental Health Day" - October 10, 2016
2. "National Teen Driver Safety Week" - October 16 to October 22, 2016
3. "Waste Reduction Week" - October 17 to 23, 2016

E. PUBLIC AND STATUTORY HEARINGS

1. Temporary Use Permit Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street

Council is considering a temporary use permit to allow commercial use for the purpose of establishing a marketing suite within the existing building.

a. Public Hearing

Addenda Temporary Use Permit Application No. 00001

The Council of the City of Victoria will consider issuing a Temporary Use Permit with Variances for the land known as 1400 Vancouver Street and 952 Johnson Street, in Development Permit Area 3 (HC) Core Mixed-Use Residential, for the purpose of allowing commercial use associated with a marketing suite.

Late Item: *Correspondence*

Close of Hearing - Consideration of Approval

b. Temporary Use Permit Approval: To approve the temporary use permit application, the following motion is in order:

That Council authorize the issuance of Temporary Use Permit Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street in accordance with:

1. Plans date stamped July 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary Use Permit lapsing three years from the date of this resolution.

2. Development Permit with Variances Application No. 00014 for 715 Princess Avenue

Council is considering an application to construct a two-storey storage garage with upper floor office space.

a. Hearing

Addenda Development Permit with Variances Application No. 00014

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 715 Princess Avenue, in Development Permit Area 7A Corridors – Douglas Street and Blanshard Street, for the purpose of approving the exterior design and finishes for a two-storey storage garage with upper floor office space, as well as, landscaping and a variance to eliminate a dedicated on-site loading space.

The Development Permit will vary the following requirements of the *Zoning Regulation Bylaw*, M-1 Zone, Limited Light Industrial District:

- Part 7.2.9: Remove loading space requirement from one space to nil.

Late Item: Correspondence

Close of Hearing - Consideration of Approval

- b. **Development Permit with Variances:** To approve the development permit with variances permit application, the following motion is in order:

That Council authorize the issuance of Development Permit Application No. 00014 for 715 Princess Avenue, in accordance with:

1. Plans date stamped July 25, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Part 7.2.9: remove loading space requirement from one space to nil.
3. The Development Permit lapsing two years from the date of this resolution.

3. **Development Permit with Variances Application No. 00015 for 202 Edward Street**

Council is considering an application to subdivide the existing property and construct a new small lot house.

- a. **Hearing**
Development Permit with Variances Application No. 00015

DEVELOPMENT PERMIT WITH VARIANCES APPLICATION

The Council of the City of Victoria will consider issuing a Development Permit with Variances for the land known as 202 Edward Street, in Development Permit Area 15A: Intensive Residential – Small Lot, for purposes of approving the exterior design and finishes for the new small lot house as well as landscaping and associated variances with respect to setbacks.

The Development Permit will vary the following requirements of the *Zoning Regulation Bylaw*, R1-S2 Zone, Restricted Small Lot (Two Storey) Dwelling District:

- Part 1.23(8)(a): Reduce the front yard setback from 6.00m to 5.76m;
- Part 1.23(8)(b): Reduce the rear yard setback from 6.00m to 5.16m for building only and from 6.00m to 3.00m to allow a retaining wall;
- Part 1.23(8)(c): Reduce the side yard (north) setback from 2.40m to 1.50m to allow for a habitable room with a window and to 1.04m to allow a projection for a fireplace.

DEVELOPMENT VARIANCE PERMIT APPLICATION

The Council of the City of Victoria will consider issuing a Development Variance Permit for the land known as 202 Edward Street for the existing dwelling by varying the following requirements of the *Zoning Regulation Bylaw*, R1-B, Single Family Dwelling District:

- Part 1.2.5(b): Reduce the rear yard setback from 7.50m to 4.30m.

Close of Hearing - Consideration of Approval

- b. **Development Permit with Variances:** To approve the development permit with variance permit application, the following motion is in order:

That Council authorize the issuance of Development Permit with Variances Application

No. 00015 for 202 Edward Street, in accordance with:

1. Plans date stamped August 10, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Existing Dwelling (Proposed Lot A)

- i. reduce the rear yard setback from 7.50m to 4.30m.

Small Lot House (Proposed Lot B)

- i. reduce the front yard setback from 6.00m to 5.76m;
- ii. reduce the rear yard setback from 6.00m to 5.16m for building only and from 6.00m to 3.00m to allow a retaining wall;
- iii. reduce the side yard (north) setback from 2.40m to 1.50m to allow for a habitable room with a window and to 1.04m to allow a projection for a fireplace;

3. The Development Permit lapsing two years from the date of this resolution.

4. Development Variance Permit Application No. 00175 for 56 Gorge Road East

Council is considering an application to add a secondary suite to an existing single family dwelling.

a. **Hearing**

Development Variance Permit Application No. 00175

The City of Victoria will be considering the issuance of a Development Variance Permit for the land known as 56 Gorge Road East for the purpose of varying certain requirements of the *Zoning Regulation Bylaw* namely:

- Relaxation of the maximum enclosed floor area added to a building within five years of installing a secondary suite from 20m² to 206.64m².

Close of Hearing - Consideration of Approval

- b. **Development Variance Permit:** To approve the development variance permit application, the following motion is in order:

That Council authorize the issuance of Development Variance Permit Application No. 00175 for 56 Gorge Road East, in accordance with:

1. Plans date stamped August 22, 2016
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule J, Secondary Suite Regulations, Exterior Changes, increase the maximum enclosed floor area added within 5 years of installing a secondary suite from 20m² to 206.64m²
3. A 4.92m statutory right-of-way registered on title as per the plans date stamped August 22, 2016
4. The Development Permit lapsing two years from the date of this resolution.

F. REQUESTS TO ADDRESS COUNCIL

G. UNFINISHED BUSINESS

1. Update Report for Rezoning Application No. 00493 and Development Permit with Variances Application No. 000441 for 1016 Southgate Street
An update report replacing the previous motion from the July 21, 2016 Committee of the Whole meeting, to update the variances in order to reflect the new zone.
2. Letter from the Minister of Justice and Attorney General of Canada
A letter dated September 14, 2016, acknowledging receipt of the City's letter dated April 27, 2016 regarding a national conversation on a Basic Income Guarantee for all Canadians.
3. Letter from the Canadian Union of Postal Workers
A letter dated September 7, 2016 providing information on the phase 2 review of Canada Post.
4. Letter from the Vancouver Island South Film & Media Commission
A letter dated September 20, 2016 thanking the Victoria City Council for the Strategic Plan Grant contribution.

H. REPORTS OF COMMITTEES

1. Committee of the Whole

- a. Report from the October 6, 2016 COTW Meeting
- b. Report from the October 13, 2016 COTW Meeting

Addenda

Late Item: Report

I. NOTICE OF MOTIONS

J. BYLAWS

1. First Reading

- a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1073) No. 16-073
 - 1. *A report recommending first and second reading of Zoning Regulation Bylaw No. 16-073.*
 - 2. *Bylaw No. 16-073 to rezone the land known as 1016 Southgate Street.*

2. Second Reading

- a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1073) No. 16-073

3. Third Reading

- a. Archives Use Bylaw, Amendment Bylaw (No. 2) No. 16-060
 - 1. *A report providing information regarding the recommendation to rescind adoption and third reading of the Archives Use Bylaw 16-060, amend Archives Use Bylaw 16-060, and give it third reading as amended.*
 - 2. *Bylaw No. 16-060 to reduce the licencing fees and simplify the licensing process.*

4. Adoption

- a. Tax Exemption (Permissive) Bylaw, 2017-2019 No. 16-074
 - Bylaw No. 16-074 to provide tax exemption for lands or improvements which qualify for a permissive exemption under section 224 of the Community Charter.
- b. Tax Exemption (Permissive) Bylaw, 2017-2019 No. 16-075
 - Bylaw No. 16-074 to provide tax exemption for lands or improvements which qualify for a permissive exemption under section 224 of the Community Charter.

K. CORRESPONDENCE

- 1. Letter from the Minister of Community, Sport and Cultural Development and Minister Responsible for TransLink
 - A letter dated September 23, 2016 providing a Stakeholder Engagement Summary for Council's review.*

2. **Late Item**: Letter from the District of Oak Bay
Addenda *A letter dated September 29, 2016 regarding a possible continuation of the Pemberton Trail Network between Victoria and Oak Bay.*

L. NEW BUSINESS

1. Advocacy for Clemency for Leonard Peltier
Addenda --*Councillor Isitt*

Late Items: *Amended motion & additional appendices #14-18.*

M. QUESTION PERIOD

N. ADJOURNMENT



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Department of History

August 31, 2016

Dear Mayor and Council Members, City of Victoria

RE: Councillor. Ben Isitt's August 25, 2016 motion Advocacy for Clemency for Leonard Peltier.

I write to council with regard to this matter with some knowledge of the history of human rights, the general condition of indigenous people in the United States and also the specific circumstances of Leonard Peltier's arrest and extradition from Canada in 1976.

For five centuries, indigenous people in the US have suffered many injustices, including mass deportation, massacres perpetrated by government military forces and deprivation of the necessities of life and the right to practice their ancestral culture. Taken together, these acts could be said to constitute a genocide perpetrated on aboriginal people there.

Beginning in the late 1960s, partly stimulated by the deplorable conditions in which they lived and partly encouraged by the civil rights campaigns of African Americans, American Indians took up a bold effort to defend and advance their rights. In some cases, this took the form of the physical defence of their own territory against police and military forces arrayed by US and state governments.

That's the context in which Leonard Peltier in 1975 was at the Pine Ridge reservation in South Dakota, where indigenous people were defending their land against a combined Federal Bureau of Investigation and US military force of considerable size. In that confrontation, several people – Natives and non-Natives – were injured and killed. Two FBI agents were among the latter.

Accused of involvement in the death of the two agents, Peltier fled to Canada, was apprehended and extradited in 1976. As part of the extradition process, the US government submitted a crucial affidavit that was false in key details. Canadians who followed the legal process were convinced that the extradition itself was fraudulently obtained. Among them was Jim Fulton, Member of Parliament from Skeena, who in 1987 introduced a private member's bill in the Canadian House of Commons calling for Peltier to be returned to Canada.

Peltier has been in prison continuously since 1976. New evidence that has not been submitted to court speaks to Peltier's innocence in the deaths of the FBI agents. In addition, many people, including South African Bishop Desmond Tutu, have called for clemency for him. This effort has gained urgency as Peltier's health significantly deteriorates.

These and other facts lead me to endorse Councillor Ben Isitt's August 25, 2016 motion Advocacy for Clemency for Leonard Peltier.

I urge Victoria City Council to support Councillor Isitt's motion on September 8.

Yours sincerely,



Larry Hannant
Instructor, History, Camosun College (retired)
and
Adjunct Associate Professor
Department of History
University of Victoria

Who killed Anna Mae?

by Rex Weyler, *Vancouver Sun*, January 8, 2005

In the 1970s, two First Nations youths, John Graham from Yukon and Anna Mae Pictou from Nova Scotia, set out to help win native rights. They stumbled into a violent American maelstrom that cost Pictou her life and left Graham facing a murder charge.

On February 24, 1976, rancher Roger Amiotte walked his fence line on the Pine Ridge Indian Reservation, in South Dakota. The fence ended at a steep ravine, which had failed to restrain his livestock. Planning to extend the fence, Amiotte paced the embankment until he rounded a curve and came upon the body of a young woman.

The rancher stopped twenty feet from the corpse. She wore blue jeans, a burgundy windbreaker, tennis shoes, and a single turquoise bracelet. Animals had apparently gnawed at her ear. Amiotte returned home and called the Tribal police. Within two hours, a dozen law enforcement officers – Sheriff's deputies, Bureau of Indian Affairs (BIA) police, and FBI agents – combed the scene.

At the Pine Ridge morgue, a doctor and nurse found blood on the woman's head. However, BIA pathologist Dr. W. O. Brown, described the case as "awfully routine," reported no blood, and concluded the woman had died from "exposure" two weeks earlier, in early February. On FBI instructions, Brown severed the victim's hands for later identification and approved a burial.

"It was the darndest thing I ever saw," said mortician Tom Chamberlain, "an unidentified corpse buried without a death certificate or burial permit." On March 3, 1976, the anonymous body rested in a pauper's grave on Pine Ridge. On that day, the FBI identified the dead woman as 30-year-old Anna Mae Pictou-Aquash from Shubenacadie, Nova Scotia, a member of the American Indian Movement (AIM). The Bureau notified the Pictou family in Canada that Anna Mae had died "by natural causes."

The family requested another autopsy, and AIM lawyer Bruce Ellison petitioned the FBI to exhume the body. On March 11, Dr. Garry Peterson examined the corpse, noticed "a bulge in the dead woman's left temple and dry blood in her hair," and revealed the actual cause of death: a .32 calibre bullet "shot at close range into the back of her head."

Extradition Case

The FBI now claims AIM executed Aquash as a suspected informer. They possess a video confession from 50-year-old Arlo Looking Cloud, from South Dakota, who admitted being present when John Graham allegedly shot Aquash. Looking Cloud remains in custody, convicted of aiding first-degree murder.

The U.S. wants Graham returned to South Dakota to face the murder charge. His extradition case opened in Vancouver on December 6 and resumes next week before Justice Elizabeth Bennett. Canadian Crown attorney Deborah Strachan represents the U.S.

To prepare this story, I reviewed court transcripts and evidence summaries from the Looking Cloud trial, the Vancouver extradition hearing, and other related cases; FBI memos; and sworn affidavits and public statements by the interested parties. I interviewed Mr. Graham, other native leaders, and attorneys in Canada and the U.S., on both sides; and I reviewed the extensive public record compiled over thirty years.

A U.S. summary of evidence cites witnesses who claim Looking Cloud, Graham, and AIM member Theda Clark kidnapped Aquash from a house in Denver, Colorado in December 1975. Others witnessed Graham and Looking Cloud with the victim on Pine Ridge Reservation shortly thereafter.

"The Judge in an extradition hearing has a very narrow scope," Strachen explains. "All we have to show is that this is the person the requesting state [the U.S.] is looking for and that, *if believed*, the

evidence could lead a reasonable jury to convict the accused.” This is a “*prima facie*” argument that on “first appearance” the evidence seems adequate. “We do not argue the quality of that evidence,” Strachen said.

Canada’s extradition treaty with the U.S. presumes that evidence supplied is accurate. A U.S. Attorney – in this case Robert Mandel in South Dakota – certifies the evidence. On first appearance, the evidence against Graham does indeed seem compelling.

However, Graham’s attorney, Terry LaLiberte, pointed out inconsistencies, which he claims the U.S. “deliberately or negligently” failed to disclose. Alleged witness Al Gates “had been dead for nine months,” said LaLiberte, when the U.S. “claimed he was available for trial.” Witness Frank Dillon, to whom Graham allegedly confessed, claims he did not make the statement attributed to him.

The only potential eyewitness, Arlo Looking Cloud, now alleges that detectives plied him with alcohol and drugs, coerced the testimony from him, and denied him the right to have a lawyer of his choice. His new attorney, Terry Gilbert from the Centre for Constitutional Rights in New York, claims that Looking Cloud’s court-appointed lawyer incriminated his own client. “Looking Cloud was a homeless alcoholic for more than 20 years,” said Gilbert, “vulnerable to manipulation by the detective in Denver.”

Outside the Vancouver courtroom, LaLiberte recalled that in 1976, Canada extradited AIM member Leonard Peltier with evidence coerced from a similarly vulnerable Myrtle Poor Bear, who later testified that FBI agent David Price frightened her into making false statements.

Crown attorney Strachen says the Poor Bear incident, “is history. How is it relevant to this case? Just because the FBI did something once, is not evidence that they’re doing it here.” Aquash’s daughter, Denise Maloney-Pictou, agrees. “This is 2004, not 1976,” she says. “We just want to see Graham stand trial, and for a jury to hear all of the evidence.”

“History is what this case is all about,” replies Matthew Lien from Graham’s Defense Committee. “The FBI wants to rewrite the record. The perpetrators of this crime are behind the prosecution.”

Brave Hearted Woman

Anna Mae Pictou was born on March 27, 1945, on the Mi’kmaq reserve five miles east of Shubenacadie, Nova Scotia. Her mother, Mary Ellen, traded housekeeping for a room in a small house and earned babysitting money to feed Anna Mae and two older sisters, Rebecca and Mary. Their father, Francis Levi, died in 1948, Mary Ellen remarried, and they moved to the Pictou Reservation on the Northumberland coast.

At the reservation school, Anna Mae earned straight A’s, but at St. John’s Academy, off the reservation, where she endured racial taunts, her performance slumped. When her stepfather died and her mother left with her third husband, Anna Mae stayed with Rebecca and her husband.

In 1963, with her boyfriend Jake Maloney, Anna Mae drifted to Boston, where she gave birth to two daughters, Denise and Deborah. She earned \$200 per month as a seamstress and felt prosperous. However, when Jake had a love affair, Anna Mae left with the girls. She volunteered at the Boston Indian Council, an outlet for her rage concerning the plight of native people. At her first demonstration, she met AIM leader Russell Means and devoted her life to native rights.

In 1973, Anna Mae left her daughters with her sister Mary Lafford and traveled to South Dakota with Ojibwa activist Nogeeshik Aquash. They joined AIM activists protesting tribal council corruption and BIA police violence. The group occupied the hamlet of Wounded Knee, the site of an 1890 massacre of 200 men, women, and children by the U.S. Seventh Cavalry. During the ensuing siege, Anna Mae Pictou and Nogeeshik Aquash married in a traditional ceremony.

Anna Mae earned a reputation as a devoted advocate for native people. At Pine Ridge, she became

known, in the Lakota tradition, as “a brave hearted woman,” someone who could be counted on to stand up for the weak and dispossessed. She advanced through the AIM ranks in Boston, Minneapolis, and Los Angeles.

Pine Ridge

Traditional Lakota leaders on Pine Ridge Reservation cite their 1868 Treaty with the U.S. as the basis for a 160,000-square-mile territory west of the Missouri River. However, after gold discoveries in the Black Hills, the U.S. reduced Lakota title to five reservations, less than 10 percent of their treaty land. The “traditionals” claimed that the BIA further eroded their land base by granting leases without Lakota approval. In 1972, Richard “Dickie” Wilson, controlled the tribal council and fashioned his own police force, the Guardians of Oglala Nation, the GOONS, who harassed Wilson’s opposition with beatings and drive-by shootings.

When chiefs Matthew King and Fools Crow traveled to Washington D.C. to redress their grievances, vigilantes sprayed King’s modest house with bullets and burned Fools Crow’s home to the ground. “It was those BIA police and those goons,” claimed King.

When traditionals Raymond Yellow Thunder and Wesley Bad Heart Bull were murdered, the elder women gave AIM permission to occupy Wounded Knee to expose the violence. For 71 days, AIM activists armed with .22 gauge hunting rifles, faced off against the vigilantes and BIA police bolstered by SWAT teams and U.S. Marshals with M16s and grenade launchers. Two Indians – Frank Clearwater and Buddy Lamont – died from bullet wounds.

The siege ended with a promise from U.S. Attorney Leonard Garment to investigate the BIA police and Wilson’s goons, but there is no evidence an investigation ensued. Before 1973 ended, seven more traditional leaders had died violent deaths, including Pedro Bissonnette, head of the Oglala Civil Rights Organization, shot at close range with a twelve-gauge shotgun by BIA policeman Joe Clifford. No charges were filed against Clifford.

Into this maelstrom walked Anna Mae Pictou-Aquash and John Graham, two wide-eyed young Canadians eager to advance native rights.

Armed and Dangerous

While Aquash became a leader of the movement, successfully raising funds from celebrities in Los Angeles, Graham became a loyal foot soldier in AIM security.

Graham was born on August 31, 1955, in Champagne, Yukon, the traditional territory of the Aishihik First Nations of the Southern Tutchone. In the summer of 1969, he came to Vancouver for a Rolling Stones concert. In 1974, he joined a “Native Caravan” to Ottawa, and then headed south, into the U.S., to find his younger sister Joan, who had been taken from their family and placed in a foster home. He did not find her, but a year later, Graham arrived on the Pine Ridge Reservation in South Dakota as a full-fledged member of the American Indian Movement.

Since the death of Pedro Bissonnette, fourteen more traditionals had died from gunshots or beatings, including Pedro’s sister-in-law, Jeanette Bissonnette. On March 21, 1975, Edith Eagle Hawk drove toward Rapid City to testify in a federal court about violence on Pine Ridge, when White rancher Albert Coomes ran her car from the road, killing her, her four-month-old daughter Linda, and her three-year-old grandson Earl Janis. The FBI issued no indictments.

The Traditional Council of Chiefs signed a unanimous request for AIM to protect them. AIM had long since crossed the threshold between protest and armed defense of their people. They established a camp on the property of Harry and Cecilia Jumping Bull, a stronghold in the heart of the traditionalist community. Leonard Peltier, Dino and Nilak Butler, Bob Robideau, and teenager Norman Brown lived

among this hard-core group of defenders. Anna Mae and John Graham visited the encampment.

The FBI had thoroughly infiltrated AIM by this time. In June, they transferred approximately 40 agents into South Dakota, including Jack Coler, who possessed a detailed map of the AIM camps on Pine Ridge. On the morning June 26, 1975, Coler and agent Ron Williams drove into the Jumping Bull property, ostensibly to look for a teenager who had allegedly stolen a pair of cowboy boots. Williams and Coler carried high-powered rifles and ammunition. A shootout erupted, and by 2:30 that afternoon, Coler, Williams, and Lakota native Joe Stuntz lay dead.

News reports, quoting the FBI, claimed the agents had been “ambushed .. dragged from their cars .. and executed.” According to John Graham, he and Anna Mae heard about the shootout in Cedar Rapids, Iowa. “We have to go back in,” Anna Mae said. Graham says they drove all night and arrived in Pine Ridge amidst a massive FBI manhunt. They located Peltier and others hiding in ravines as helicopters passed overhead. “We made it out of there,” Graham says, “and I helped several brothers get into Canada. Then I hung out in Detroit and Denver.”

Aquash and Graham had crossed a legal threshold themselves, vulnerable to charges of aiding and abetting first-degree murder. Both believed the AIM response amounted to self-defense, but the FBI would not see it that way. Within days of the shooting, Ottawa RCMP received an FBI report naming Aquash as a suspect, and an FBI field report described her as “armed and dangerous.”

Arrested

Aquash took refuge at a tent encampment on the Rosebud reservation adjoining Pine Ridge. Dino and Nilak Butler camped nearby. On September 5, 1975, she awoke to shouting, stumbled from her tent half-dressed, and stared into the barrel of an M16 rifle. “You,” FBI agent David Price said to her, “I’ve been looking all over for you.”

Fifty agents in battle fatigues ransacked the camp. She later told her friend Candy Hamilton, “I heard the agents smashing things and laughing, throwing eagle feathers and beadwork around. They verbally abused me, accusing me of things I hadn’t done.”

At the Federal Building in Pierre, South Dakota agents charged her with illegal possession of dynamite, which they claimed to have found at the scene. When she asked for a lawyer, an agent told her, “You’re not going to get a call through unless you talk to us first.” They asked her about June 26th, “where two men were killed.”

“Three men,” said Aquash.

The agents insisted that she had witnessed the shooting of the agents, although Aquash denied it. She later told AIM lawyers that agent David Price threatened that if she did not cooperate “you won’t live out the year.”

“You can either shoot me or throw me in jail,” the FBI account quotes her. “That’s what you’re going to do with me anyway.”

Dino Butler reported that agents told him flatly: “Cooperate and live, don’t cooperate you die.”

Aquash spent the night in jail, made bail the next day, and called her sister Rebecca Julian in Nova Scotia. Speaking in their native Mi’kmaq, she told her sister that she feared for her life. Rebecca urged her to come home. She promised she would, but added, “If you could see the people, the way they’re treated here, you’d understand.”

The FBI added firearm possession to their indictment, and Anna Mae faced two felony charges. Court-appointed attorney, Robert Riter, relayed the FBI’s deal: testify against Dino and Nilak Butler for shooting agents Coler and Williams, and they would drop one charge and allow her to plead out on the second charge. Otherwise, she faced a long jail sentence.

Informers

Anna Mae and Nilak Butler fled to Los Angeles where they organize a vehicle to spirit Peltier and AIM leader Dennis Banks into hiding. In November, they headed north in a Dodge Explorer motor home, owned by actor Marlon Brando. The fugitives included 20-year-old Ka-Mook Nichols Banks, eight months pregnant and carrying her one-year-old daughter. Friction had developed among the group. Anna Mae had had an affair with Dennis Banks, alienating Ka-Mook Banks. More seriously, each fugitive harboured fears about informers.

Eight months earlier, Dennis Banks had discovered that AIM security chief, Douglass Durham, worked for the FBI. Anna Mae had suspected Durham when he arrived at Wounded Knee claiming to be "one-fourth Chippewa." She noticed that he died his hair and provoked gratuitous violence. She had expelled him from the Los Angeles AIM office, but Durham endeared himself to Banks and infiltrated the Defense Committee the Wounded Knee trial in St. Paul.

The former Marine had served as a CIA operative in Cuba and Guatemala. In Iowa, he worked on the police force while engaged in drug smuggling. The Des Moines police fired him after a violent fight with his pregnant wife over his pimping. He boasted that he headed "the largest criminal organization in Iowa." He flew AIM leaders around in U.S. Army planes and framed AIM members with violent crimes.

In one chilling assignment, he seduced Jancita Eagle Deer from the Rosebud Reservation. At the age of 15, Eagle Deer had reported to her school principal that reservation public defender William Janklow had raped her. Janklow denied the charge but the Rosebud Council barred him from the reservation. Janklow became a U.S. senator and is now serving jail time for vehicular manslaughter. Eagle Deer announced to AIM members that she would marry Durham.

In January 1975, she accompanied him to Gresham, Wisconsin, where Durham instigated a shootout with local sheriffs, arousing an armed citizen's vigilante group. When Aquash and others expelled Durham, he fled with Eagle Deer. She was last seen alive staggering along a deserted road near Aurora, Nebraska, just before a speeding vehicle ended her life. No charges were ever filed in her death.

A month later, AIM exposed Durham at a news conference in Chicago. His disruption of AIM fit the FBI's strategy, documented in memos from the era, to "disrupt or neutralize" leftist, black, and American Indian groups. William Sullivan, former head of FBI Intelligence stated that, "We were engaged in COINTELPRO [counter intelligence] tactics to divide, confuse, weaken ... an organization."

In a 1968 memo, the FBI described a tactic called "snitch-jacketing," to "create the impression that leaders are informants for the Bureau." Ka-Mook Banks testified at the recent trial of Arlo Looking Cloud, John Graham's co-accused, that by 1975, many within AIM suspected Aquash was an informer.

The FBI knew about the fugitives in the motor home, and on the night of November 14, 1975, Oregon police stopped the vehicle near the Idaho border. Peltier and Dennis Banks escaped into the night, but Aquash, Ka-Mook Banks, her daughter and unborn child, and two other native men remained in custody.

Murder

"My efforts to raise the consciousness of whites," Aquash wrote to her sister, "is bound to be stopped by the FBI." She told an Idaho reporter, "If they take me back to South Dakota, I'll be murdered." Aquash returned in chains, but was released. Fearing for her life, she fled west. The FBI filed a ten-count indictment against her for a variety of violent crimes.

In Los Angeles, she uncovered information about Douglass Durham's involvement in framing two AIM members with a gruesome murder. She promised to meet her journalist friend Paula Griesse in Minneapolis in January, but never arrived. The last weeks of Anna Mae's life are the subject of the

cases against John Graham and Arlo Looking Cloud, and their counter-charges against the FBI.

Someone shot Aquash in the back of the head with a .32 calibre handgun, between December 20, 1975 and early February 1976. The prosecution's theory states that AIM executed her, and that Graham pulled the trigger. The defense theory is that the FBI killed Aquash, and that David Price, Douglass Durham, or someone from the Pine Ridge goon squad pulled the trigger.

U.S. prosecutors claim that Graham, Looking Cloud, and Theda Clark kidnapped Aquash from the home of Troy Lynn Yellow Wood in Denver, took her to South Dakota, interrogated her with other AIM leaders, and executed her. Yellow Wood and four others witnessed the party leaving the Denver home. Two of those witnesses recall Aquash bound with rope, but Irving told a reporter in 1999, "Anna Mae walked out on her own." Witnesses Cleo Gates and Candy Hamilton testify that they saw Aquash with Graham on the Pine Ridge Reservation in December, and Hamilton says Aquash seemed upset. Graham acknowledges that the four drove from Denver to Pine Ridge, visited Cleo and Dick Marshall, and travelled to Bill Means' home in Rosebud.

Here, the stories diverge. Graham says they dropped Anna Mae at safe house on the Pine Ridge Reservation. The U.S. attorney's summary of evidence states that Graham told his friend Frank Dillon, "We had to off her." The summary states that native spiritual leader Al Gates will testify that Graham admitted being present at Aquash's death. However, Dillon now claims he did not say this and Gates is dead.

Asked how the U.S. certified the dead Gates as a witness, U.S. Attorney Jim McMahon, replied, "I'm not sure how long he's been dead." McMahon would not comment on the impact to his case of losing the testimony of Gates, Dillon, and Looking Cloud.

Looking Cloud's eyewitness account is the evidence that Graham killed Aquash, but he has recanted and stated that he will not testify against Graham.

AIM is sharply divided over blame for Aquash's death. Ka-Mook Nichols Banks, Russell Means, John Trudell, and Bob Robideau have stated that someone in AIM may have ordered her death, and that they believe Graham might have carried out the execution. Others, such as Peltier, Vernon Bellecourt, and Dennis Banks claim that the FBI has intimidated witnesses, fabricated evidence, and planted media stories to create this impression. In either case, the FBI has clearly succeeded in their stated effort to disrupt, neutralize, and divide AIM.

Due Process

"In Canada," said Graham's lawyer, Terry LaLiberte, "I'd drive a truck through the holes in this case."

"AIM did not execute informers," he says flatly. Anna Mae's biographer, Johanna Brand, concurs, "There was no precedent for such treatment of informers." When AIM exposed Durham, they brought him before a public press conference. They did not execute or harm Bernie Morning Gun, Virginia "Blue Dove" DeLuce, or any of the dozens of informers they uncovered. AIM leaders supported Norman Brown, the teenager whose mother begged him to cooperate in fabricating evidence.

On the other hand, Brown himself now believes AIM may have been involved in the slaying. "As for the Movement leaders," he says, "I have seen them and experienced their b.s. as so very few people saw and or could ever imagine."

During the 1975 trial of Dennis Banks and Russell Means, Judge Fred Nichol found prosecutors guilty of counseling witnesses to commit perjury, suppressing evidence, infiltrating the defense team, and lying to the court about their activities. Nichols grew so distraught, he dismissed the charges, commenting, "The waters of justice have been polluted." The following year, a U.S. Commission on Civil Rights examined Lakota complaints and, according to investigator William Muldrow, found the

FBI guilty of "threats, harassment, and search procedures conducted without due process of law."

The defense points to the handling of the Leonard Peltier extradition from Vancouver as a shameful precedent. In 1976, RCMP and Hinton, Alberta Municipal police arrested Peltier at the camp of Cree leader Robert Smallboy. Canada extradited Peltier to the U.S. on the basis of two affidavits signed by Lakota woman Myrtle Poor Bear, who claimed to have witnessed the shooting of the two agents.

Myrtle Poor Bear had been a radio dispatcher for the BIA police at Pine Ridge, a single mother struggling with alcoholism and depression. Hotel receipts show that between February 19 and 23, FBI agents David Price and William Wood held her in a hotel room in Nebraska. Poor Bear says they bullied her to sign the affidavits against Peltier. Her first affidavit, from February 19, alleges she was Peltier's girlfriend and that he confessed to her. The two affidavits signed four days later claimed she witnessed the murder first hand. Crown prosecutor Bill Halprin presented the last two versions to a Canadian court, which sent Peltier back to the U.S., where he remains in prison today.

Before Judge Paul Benson in Fargo, North Dakota, Poor Bear testified that she had been coerced, that she had not witnessed the shootings, had not been Peltier's girlfriend, and had never met him. "I was forced to sign those papers," she said. She claims Price and Wood showed her pictures of the dead Anna Mae Aquash. "The agents are always talking about Anna Mae ... about the time she died." A year later, in Canada, she said, "He [Price] showed me pictures of the body and said that if I don't cooperate this is what may happen to me." She claims that agent Wood "said that they could get away with killing because they were agents."

FBI agent Nicholas O'Hara acknowledged to the Rochester, Minnesota *Post-Bulletin* in 1992, "Myrtle Poor Bear's affidavits were falsely made and were then used to help extradite Peltier from Canada."

Judge Donald Ross, during Peltier's appeal in 1977, said the Myrtle Poor Bear affidavits show "the United States is willing to resort to any tactic in order to bring somebody back to the United States from Canada."

Canada's Choice

Former Canadian Minister of Indian Affairs, Warren Allmand, declined to intervene in the Peltier extradition on the advice that, "justice would take its course." He now feels "betrayed and insulted ... [by the] FBI's deliberate use of fraud." In 1992, fifty-five Canadian MPs filed a brief to a U.S. court affirming that Canada had been duped.

Paul DeMain, editor of *News From Indian Country* in the U.S., and Anna Mae's daughter Denise Mahoney-Pictou both claim, "There's no Myrtle Poor Bear in this case." DeMain believes the phoney affidavits are irrelevant. "The FBI framed a guilty man," he says of Peltier.

"That's not how our legal system is supposed to work," says Graham in Vancouver. He claims FBI agents visited him in the Yukon in 1989 and urged him to accuse others of murdering Aquash. "They told me that if I didn't cooperate, they'd go after me." In 1995, former BIA policeman Bob Ecoffey visited Graham in Whitehorse with an RCMP officer present. Graham claims Ecoffey offered him "immunity," if he cooperated. "Immunity from what? I asked him."

Ecoffey and Denver detective Abe Alonzo arrested Looking Cloud in 2003, and a South Dakota jury convicted him of aiding first-degree murder. Looking Cloud's new lawyer, Terry Gilbert, says his video testimony was coerced. An appeal will begin on January 10 in St. Paul, Minnesota. On October 19 last year Looking Cloud refused to testify against Graham before a Grand Jury and claims he will not testify against Graham in the future.

David Seals, with a Lakota human rights group, interviewed Looking Cloud at Pennington County jail in South Dakota, and writes that Looking Cloud told him, "It was a set-up ... I was drunk. They

were giving me drugs and alcohol." Seals claims the video confession is "almost incoherent, and the police were asking a lot of leading questions."

In the Vancouver courtroom LaLiberte said before Justice Bennett, "My lady, you are being misled by the United States of America. Evidence certified by [U.S. Attorney] Robert Mandel appears not to exist... They have been negligent, if not deceitful. Canadian courts should and can demand more." Outside court, LaLiberte declared, "This whole case has been concocted by Ecoffey."

"Bob Ecoffey was a BIA cop at the height of the reign of terror on Pine Ridge," Graham says. Ecoffey, claims that in the BIA office in 1976, he heard "a young woman crying" through the intercom and that a "medicine man" told him this was the spirit of Anna Mae seeking justice. Janis Schmidt from Pine Ridge claims Ecoffey is "a fraud. He never said who the medicine man was. He tried to claim Selo Black Crow as his Grandfather, which he isn't. Selo said that Bob came around and asked a lot of questions, even accused him of killing Anna Mae. How does he know the crying voice wasn't Jeanette Bissonnette or Edith Eagle Hawk looking for justice?"

In September of last year, Ecoffey married witness Ka-Mook Nichols, who has testified that Aquash feared AIM. At the Looking Cloud trial Nichols admitted to receiving \$25,000 in 2004 in connection with her cooperation on the case, money she maintains is compensation for her expenses in traveling to collect evidence.

Amnesty International has not commented on the details of Graham's case, but has expressed "concerns about ... apparent efforts by the Federal Bureau of Investigations to prejudice the fair trial rights of AIM leaders."

Anna Mae's daughter, Denise, is now the executive director of Indigenous Women for Justice, seeking resolution in her mother's murder. She believes AIM ordered the execution and that "John Graham murdered my mother."

Graham's daughter Naneek feels differently. "My dad never hurt anybody," she said outside the Vancouver courtroom.

"I don't blame Anna Mae's daughters," says Graham. "They're being led to believe that by the FBI. They want justice for their mother. But they don't know the history of the FBI. This whole thing is a rerun. If I go back to South Dakota, I'll get railroaded just like Leonard."

Retired Hinton, Alberta police officer Bob Newbrook, says he now regrets participating in the arrest of Peltier. "I'm afraid that Canada will get duped again with the same sort of trumped-up evidence that the U.S. used to get Mr. Peltier."

In the Vancouver courtroom, Judge Bennett will decide whether or not the evidence supplied by the U.S. is sufficient to return Graham to South Dakota for trial. If she rules that it is, Graham's case will go before Minister of Justice Irwin Cotler. The Minister has more leeway than the judge to assess the history and quality of the evidence before him. In any case, Canada must decide, in light of its previous experience with Leonard Peltier, if it trusts the U.S. with the fate of a Canadian First Nations citizen.

Norman Brown, a teenager when he met Anna Mae, recalls, "the times when she stood with the warriors, when very many men didn't ... [they] have no idea the sacrifices we all made for each other."

One thing we know: Anna Mae did not deserve what happened to her.

Rex Weyler received a Pulitzer Prize nomination for his 1982 book *Blood of the Land*, recounting the clash between native groups and law enforcement throughout the western hemisphere. His most recent book is *Greenpeace: How a Group of Ecologists, Journalists, and Visionaries Changed the World* (Raincoast Books, 2004). See GrahamDefense.org for more information.



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Peltier's Adoptive Mother Passes

By Frank & Anne Dreaver, Leonard Peltier Defense Committee Canada
the People's Voice ~ Saturday, November 13, 1999
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In Memory of **Ethel Pearson**, Elder of the Musgamakw Tsawataineuk Nation of the Northern Lands of Vancouver Island, British Columbia, adoptive Mother of Leonard Peltier, quietly passed on into the spirit world on Nov. 7, 1999. She was born Dec. 21, 1914.

Grandmother Ethel Pearson (or Puglid in Kwagiulth) of Comox, British Columbia died peacefully in her sleep in the early hours of Sunday morning, November 7th. She was 85 years old. Ethel was one of the few remaining and long-standing hereditary elders of the Musgamakw Tsawataineuk nation comprising the four tribes of the Kwagiulth whose traditional territory includes part of the northern lands of Vancouver Island.

As an honored leader born into her nation's clan of nobility, she was revered in the hearts of her own peoples and gained the respect and admiration of peoples nationwide. She was down-to-earth and a fighter, fearless when it came to speaking her mind. Most of all, she was a visionary and a true custodian and champion of the traditions, customs and spiritual beliefs of the Kwagiulth peoples and nation. She lived her life to defend and preserve the traditional ways.

For Leonard Peltier, Ethel will always have special meaning and her contributions in her quest for justice and his freedom are recorded in the history of our times. In 1976, when Leonard was arrested in Canada; locked up and brutally treated inside Vancouver's infamous, and now former Oakalla Prison, Ethel followed traditional protocol and lobbied all 52 chiefs of her nation who agreed to her request to formally adopt Leonard as a member of the Kwagiulth nation. The purpose was to try and stop his false extradition to the United States and, in so doing, an indigenous nation had stood up to exercise its traditional governing process.

After visiting Leonard at Oakalla, Ethel made a decision then to adopt him as her son, as a member of her family and her nation. She once recalled that she decided even before she entered the prison that she would know whether to adopt him after looking him directly into his eyes to know the truthfulness of his character. Together with her daughter, the late Donna Tyndall, a courageous fighter who had brought Leonard's plight to her mother's attention, they were a formidable force speaking out for justice. A ceremonial potlatch in accordance with the traditions and customs of her nation was later held to confirm the adoption.

From the very beginning and over the duration of almost 24 years, Ethel honored her role as Leonard's adoptive mother right up until her final departure. She bestowed to him his Kwagiulth name: Gwarth-ee-lass, meaning, "He leads-the-peoples."

As a founding member of our elders' advisory council of the Leonard Peltier Defense Committee Canada, we are deeply honored to have known and worked with Ethel over the years. We have valued her advice, her encouragement and unfailing support. Losing Ethel is a great loss. She is forever irreplaceable in her commitment for her son's freedom and in later years often expressed the profound sorrow she held in her heart over his long, unjust and false imprisonment. She even prepared a videotape of herself appealing for her son's freedom. It was always her hope to see Leonard freed before she died.

We spoke with her in late September. She had just received a copy of Leonard's new book, *Prison Writings*. Fred Pearson, her husband of some 40 years, recalled she read Leonard's words and was rereading the book up until she died. She was frailer in later years and didn't travel as much with a sore leg and was recently diagnosed with the onset of osteoporosis. Granddaughter Kirby said, Ethel wished she could attend the vigil in Washington D.C. and continue to "fight for Leonard." It bothered her that she never received any letters back to all the letters she wrote to President Clinton and wife, Hilary.

That's how it was with Ethel. Over the years and it seems not so long ago, we would call her and find out she was travelling to different functions or had just come back from somewhere. She was constantly on the go. She took in all the major potlatches, husband Fred recalled. She tended to the misfortunes of her own peoples, countless wakes and burials, often-tragic deaths of suicide and violence all too familiar in Indian communities. She would speak at youth and elders' conferences, workshops and at countless social events, always with an appeal for awareness and support for Leonard.

During the early 1990s, Ethel was a respected member of the council of elders of the Assembly of First Nations and her private lobby on behalf of justice for her son, Leonard, would reach the ears of many of the national chiefs. In this capacity, she participated in many of the larger national conventions. Her son, Bill Wilson, is presently a top regional AFN representative of British Columbia. She was often saddened and frustrated that more couldn't be done, whether it was for Leonard or for so many issues of importance to Indian peoples.

She once expressed to us her frustration that she sometimes felt the role of elder at these functions was made into "window dressing." She said, they never let the elders talk, recalled Kirby, who with four-year-old son Jackson were blessed to share their lives together with Ethel. Her honesty struck at the core of human integrity and responsibility with a relentless passion, counseling her own peoples to set examples and stop fighting with one another. She couldn't help but speak her mind. For Ethel there was no other way.

We remember Ethel when we marched in Ottawa in 1989 to the Canadian Parliament and to the Supreme Court of Canada, carrying the staff and setting the pace wearing the striking floor-length traditional cape of her nation. Even then in her 70s she would never complain or dream of giving up before any of the others. When asked and if she could, she would speak without hesitation at rallies, vigils, and conferences on behalf of her son.

One highlight was the tremendous solidarity expressed by several thousand delegates at the Canadian Labour Congress convention in Vancouver in 1992, who gave a standing ovation after Ethel delivered a speech for truth and justice. She was to do the same at a B.C. Federation of Labour convention, where she brought them to their feet, said Fred. And yet, she always wished she could do more. Ethel had hoped to dedicate a ceremonial feast to Leonard and to her people before she died to help instill pride and dignity in her people. She believed that foreign, dominant religions and the experience of residential schooling had robbed them of this, said Kirby.

We all will sorely miss Ethel. She was born in Kingcome Inlet, on the B.C. coast north of Vancouver into a family of seven brothers and sisters. Her son, Calvin, and daughters Shadow and Donna predecease her. Son Bill Wilson, daughter Caroline Cramner, numerous grandchildren and great grandchildren survive her. She is being laid to rest on Nov. 13th in Courtney on Vancouver Island with a traditional native ceremony and feast to follow at the Long House on Campbell River Reserve.

Frank & Anne Dreaver, LPDC Canada
(416) 439-1893, lpdccanada@gmail.com



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Frank & Anne Dreaver, LPDC Canada
(416) 439-1893, lpdccanada@gmail.com

“WORLD MENTAL HEALTH DAY”

- WHEREAS** *over 450 million individuals around the world are living with mental illness that could benefit from early diagnosis and appropriate and adequate treatment and support; and*
- WHEREAS** *fewer than one-half of those who could benefit from early diagnosis and treatment for mental illness receive any treatment or care at all; and*
- WHEREAS** *mental illness such as anxiety disorders, major depressive disorder, bipolar disorder, and schizophrenia are leading causes of poor work performance, family disruptions, and even suicide, and contribute greatly to the global burden of the disease; and*
- WHEREAS** *these startling health statistics and the human toll they represent are often given little attention or concern by the general public, the general healthcare system, and elected and appointed public policy makers, resulting in inadequate priority being given those disorders; and*
- WHEREAS** *the World Federation for Mental Health has designated October 10, 2016, as World Mental Health Day and urges increased effort and action intended to improve mental health services and ready access to services by those experiencing serious mental health problems and disorders.*

NOW, THEREFORE *I do hereby proclaim the day of October 10th, 2016 as “WORLD MENTAL HEALTH DAY” in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA, the TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES FIRST NATIONS.”*

IN WITNESS WHEREOF, *I hereunto set my hand this 13th day of October, Two Thousand and Sixteen.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Linda Proctor
Amanda Todd Legacy Society
World Mental Health Awareness

“NATIONAL TEEN DRIVER SAFETY WEEK”

WHEREAS *driving is an important and exciting right of passage for youth. It is also one of the riskiest activities for young people to engage in; and*

WHEREAS *teen driver safety is a significant issue in Canada. Young drivers are over represented in all road-related injuries and fatalities; and*

WHEREAS *National Teen Driver Safety Week is a week dedicated to raising awareness and seeking solutions to preventable teen deaths on the road across Canada. Everyone has a role to play in creating change amongst their peers, in classrooms and in their communities; and*

NOW, THEREFORE *I do hereby proclaim October 16th to October 22nd, 2016 as*
“NATIONAL TEEN DRIVER SAFETY WEEK” in the CITY OF VICTORIA,
CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA, the
TRADITIONAL TERRITORIES of the ESQUIMALT AND SONGHEES
FIRST NATIONS.

IN WITNESS WHEREOF, *I hereunto set my hand this 13th day of October, Two Thousand and Sixteen.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Louise Logan
President & CEO, Parachute

“WASTE REDUCTION WEEK”

WHEREAS, the City of Victoria is committed to conserving resources, protecting the environment and educating the community; and

WHEREAS, we recognize the generation of solid waste and the needless waste of water and energy resources as global environmental problems; and

WHEREAS, we endeavor to take a lead in our community toward environmental sustainability.

NOW, THEREFORE I do hereby proclaim the week of October 17th to 23rd, 2016 as
“WASTE REDUCTION WEEK” in the **CITY OF VICTORIA, CAPITAL CITY** of the **PROVINCE of BRITISH COLUMBIA**, the **TRADITIONAL TERRITORIES** of the **ESQUIMALT AND SONGHEES FIRST NATIONS**.

IN WITNESS WHEREOF, I hereunto set my hand this 13th day of October, Two Thousand and Sixteen.

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored By:
Jessie Christophersen
Recycling Council of
British Columbia

UNFINISHED BUSINESS

1. Temporary Use Permit No. 0001 for 1400 Vancouver Street and 952 Johnson Street

It was moved by Councillor Young, seconded by Councillor Lucas, that Council replace the previous motion from the Committee of the Whole meeting of August 18, 2016 with the following motion (removal of the variance):

That Council after giving notice and allowing an opportunity for public comment at the next available meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street in accordance with:

1. Plans date stamped July 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

Carried Unanimously



Council Report

For the Meeting of September 8, 2016

To: Council **Date:** August 26, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Temporary Use Permit Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street

RECOMMENDATION

That Council replace the previous motion from the Committee of the Whole meeting of August 18, 2016 with the following motion (removal of the variance):

That Council after giving notice and allowing an opportunity for public comment at the next available meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street in accordance with:

1. Plans date stamped July 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

BACKGROUND

The proposal is to temporarily allow commercial use for the purpose of establishing a marketing suite within the existing building at 1400 Vancouver Street and 952 Johnson Street (commonly referred to as the McCall Funeral Home). The existing building would be retained and no modifications to the exterior of the building are proposed as part of this application.

In the report presented to Committee of the Whole on August 18, 2016, a parking variance was identified. Recent information has come to light that has confirmed the property has existing non-conforming rights in relation to parking. In addition, the parking requirements under the current S-2 Special District Zone are greater than the requirements under Schedule C for retail use, which negates the requirement for the parking variance. The motion has been updated to reflect the removal of the parking variance which was originally envisaged.

Respectfully submitted,

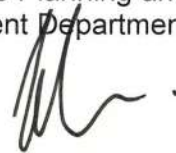


Charlotte Wain
Senior Planner – Urban Design
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: August 30, 2016

3. CONSENT AGENDA

3.1 Temporary Use Permit with Variance Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street

Committee received a report dated July 22, 2016 regarding a proposal to temporarily allow commercial use for the purpose of establishing a marketing suite within the existing building with no proposed modifications to the exterior of the building.

Motion: It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council after giving notice and allowing an opportunity for public comment at the next available meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application with Variance No. 00001 for 1400 Vancouver Street and 952 Johnson Street in accordance with:

1. Plans date stamped July 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, 16.C.4 - Required parking is reduced from 44 spaces to three.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

CARRIED UNANIMOUSLY 16/COTW

Committee of the Whole Minutes – August 18, 2016

REPORTS OF COMMITTEES

1. Committee of the Whole – August 18, 2016

1. Temporary Use Permit with Variance Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council after giving notice and allowing an opportunity for public comment at the next available meeting of Council, consider the following motion:

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1. Plans date stamped July 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, 16.C.4 - Required parking is reduced from 44 spaces to three.
 - b. The Temporary Use Permit lapsing three years from the date of this resolution."

Carried Unanimously



Committee of the Whole Report

For the Meeting of August 18, 2016

To: Committee of the Whole **Date:** July 22, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: **Temporary Use Permit with Variance Application No. 00001 for 1400 Vancouver Street and 952 Johnson Street.**

RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at the next available meeting of Council, consider the following motion:

"That Council authorize the issuance of Temporary Use Permit Application with Variance No. 00001 for 1400 Vancouver Street and 952 Johnson Street in accordance with:

1. Plans date stamped July 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - a. Schedule C, 16.C.4 – Required parking is reduced from 44 spaces to three.
3. The Temporary Use Permit lapsing three years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 493 of the *Local Government Act*, Council may issue a Temporary Use Permit for land located within an area designated for this purpose in the Official Community Plan. A Temporary Use Permit may allow a use not permitted under the *Zoning Regulation Bylaw*, specify conditions under which the temporary use may be carried out, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit Application for the property located at 1400 Vancouver Street and 952 Johnson Street. The proposal is to allow a commercial use for the purpose of establishing a marketing suite for a nearby residential development. The variances are related to a reduction in the parking requirements.

The following points were considered in assessing these applications:

- the proposed building is subject to regulation under Development Permit Area 3 (HC) and is consistent with the applicable Design Guidelines in the *Official Community Plan*

(OCP) and the *Downtown Core Area Plan* (DCAP)

- a parking reduction for commercial use is being proposed, which is considered to be supportable given the temporary nature of the use.

BACKGROUND

Description of Proposal

The proposal is to temporarily allow commercial use for the purpose of establishing a marketing suite within the existing building at 1400 Vancouver Street and 952 Johnson Street (commonly referred to as the McCall Funeral Home). The existing building would be retained and no modifications to the exterior of the building are proposed as part of this application.

The commercial use would expire after three years (or less if specified by Council) and may be renewed once for another three years (or less). Staff recommend for Council's consideration that three years is acceptable in this case since the application is consistent with the policy outlined later in this report.

The proposed parking variance is related to a reduction in the provision of commercial parking space from 44 stalls to three.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal. However, the proposal is to retain the existing building for an adaptive reuse.

Active Transportation Impacts

The application proposes the following features which support active transportation:

- eight secure bike racks located at the rear of the building accessed via the service driveway
- five publicly accessible bike racks located in the reception area within the building. Although not located outside, the intent is that these spaces would be available to the public during business hours for the commercial space.

Public Realm Improvements

No public realm improvements are proposed in association with this Temporary Use with Variances Permit Application.

Existing Site Development and Development Potential

The site is presently occupied by the McCall's Funeral Home building. Under the current S-2, Special District Zone, the permitted use is restricted to funeral undertakers' establishments. Regulations related to siting of buildings, height and setbacks are governed by the most restrictive Zone nearest to the site, which in this case is the CA-43, Pandora Harris Green District.

Although the existing building does not hold an official heritage status (either registered or designated) it has been identified as a candidate in the potential additions to the City of Victoria's Register of Heritage Properties. At the meeting of February 25, 2016 Council directed staff to undertake consultation in relation to this work.

The proposed Temporary Use Permit would not be in conflict with any future potential heritage status since the Application proposes to retain the existing building with no exterior changes.

Data Table

The following data table compares the proposal with the existing CA-43 Zone, Pandora Harris Green District. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk identifies an existing legal non-conforming aspect.

Zoning Criteria	Proposal	Zone Standard CA-43
Site area (m ²) - minimum	2139.65	920.00
Combined floor area (m ²) - maximum	1640.00	N/A
Density (Floor Space Ratio) - maximum	0.77:1	2.0:1
Density (Floor Space Ratio) office use - maximum	0.41:1	1.0:1
Height (m) - maximum	7.60 (approx.)	15.50
Setbacks (m) - minimum		
Street (Vancouver Street)	0.01**	3.00
Street (Johnson Street)	0.03**	3.00
Rear (west)	~3.00	N/A
Side (north)	0.00	N/A
Parking - minimum	3*	44
Class 1 secure long term bicycle parking stalls – (minimum)	8	4
Class 2 unsecure short term bicycle parking stalls – (minimum)	5	4

Relevant History

At the meeting of February 11, 2016 Council approved a Development Permit for a 210 unit multi-residential building at 951 Johnson Street (also referred to as 989 Johnson Street) to the south of the subject property across Johnson Street. The Application for a Temporary Use Permit would allow the use of a marketing suite for the approved residential development at 951 Johnson Street.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on March 31, 2016 the application was referred for a 30-day comment period to the Downtown Residents Association CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan 2012* (OCP) Urban Place Designation for the subject property is Core Residential, which supports multi-unit residential, commercial and mixed-use buildings from three storeys up to approximately 20 storeys. The OCP also identifies this property in Development Permit Area 3 (HC) Core Mixed-Use Residential. The objectives of this DPA are to transform the form and character of the area through mid-to-high-rise residential mixed use and commercial buildings and to preserve the special character and the significant historic buildings, features and characteristics of this area. Ensuring high-quality architecture, landscape and urban design is also an important objective of this DPA. The Temporary Use Permit at 1400 Vancouver Street and 952 Johnson Street is consistent with DPA 3 (HC) objectives as they relate to land use and retention of historic buildings.

Downtown Core Area Plan

With respect to local area plans, the *Downtown Core Area Plan, 2011* (DCAP) applies to the subject site. The property is identified in the Residential Mixed District (RMD), which encourages active commercial street-level uses to help increase pedestrian activity. The current proposal for commercial use in this location is therefore consistent with these objectives as it contributes new street-level commercial space in the RMD.

CONCLUSIONS

The proposed temporary commercial use at 1400 Vancouver Street and 952 Johnson Street would support the planning objectives for the Downtown found in the OCP and the DCAP. Staff recommend for Council's consideration that the Application be supported.

ALTERNATE MOTION

That Council decline Temporary Use Permit Application with Variance No. 00001 for the property located at 1400 Vancouver Street and 952 Johnson Street.

Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

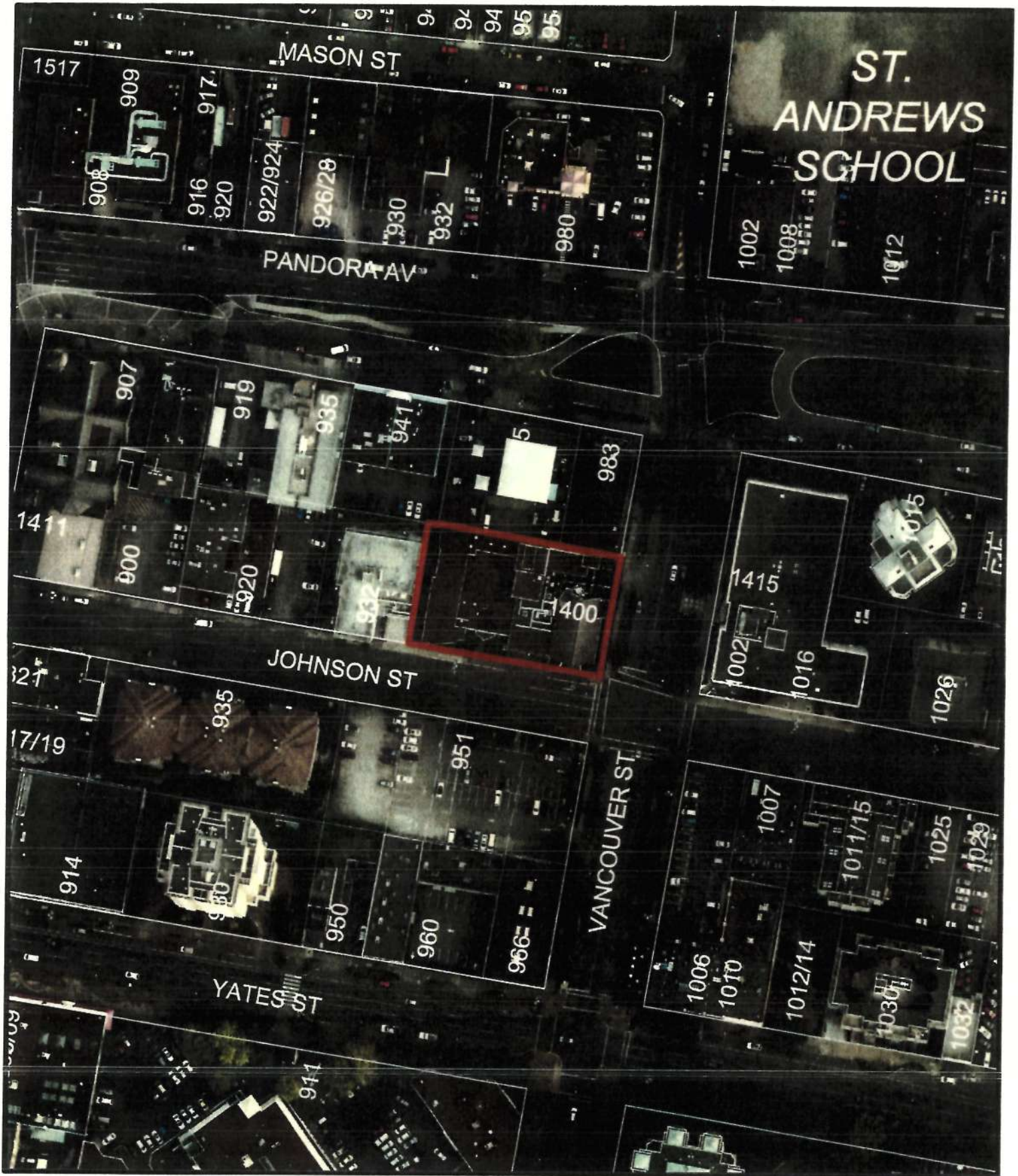


Date: August 8, 2016

List of Attachments

- Zoning map
- Aerial photo
- Letter from applicant, date stamped July 20, 2016
- Plans for Temporary Use Permit Application with Variances No. 00001 dated July 21, 2016.





1400 Vancouver Street & 952 Johnson Street
Rezoning No.00514



Dear Mayor and Councillors,

Re: 952 Johnson Street

May 16, 2016

Please accept this letter for as a request for a temporary use change and parking variance request at 952 Johnson Street, which is better known as the McCall Funeral Home site and building.

At the end of July, the McCall family will be moving their operations, and will no longer be operating a funeral home service downtown. Currently the site is zoned for retail, office, and personal service, however the zoning as it is written is restricted to those services but relating to a funeral home. Which leaves us as owners to make some difficult decisions on what to do with the building and the land itself. Once the service is officially vacated, the building will be effectively unusable which will lead to a run down unoccupied, derelict building.

As the Harris Green area continues to grow and be developed, office and retail could easily be supported in this location. We had hoped when we bought this site to keep the building in close to its present form, indefinitely. However, without allowing a change of use this would not be possible. We would ultimately be put into a position where the most suitable option would be to demolish the building. To keep the building intact, we are requesting a temporary use change to better reflect the needs of the downtown and more specifically the needs of the Harris Green neighbourhood.

Furthermore, this request is not a significant change to the neighborhood. The site is already servicing retail, personal services and, office use; it has just been specifically catering to a funeral service. We would be conducting nearly the same activities on the site as before, more or less, but not related to a Funeral Home. In order to start attracting and having conversations with potential long term tenants the allowance for uses other than Funeral Homes needs to be in place.

The subject site has a footprint of approximately 23,000 square feet. The building is approximately 15,000 square feet with most of the square footage being on the main floor. The main floor is made up of office area on the West wing of the building, with the Eastern-most part as the chapel. The central area in the middle is used for receptions, consisting of a main reception area with a commercial kitchen in the back. There is a small second story that was used for a caretaker suite and a few offices.

As the parking lot that serviced this building will no longer be available, we are also asking for a parking variance. This parking variance will also allow us to attract an array of tenants. Without this parking variance, the building would have to undertake significant change and modification, most likely resulting in the building being cut in half to allow surface parking on the site. We have had our architects

look at this and neither we nor they can see any way the building can be halved and still retain its character.

In summary, we are asking for a change of tenanted use. The same activities presently operated on site will be continued, but likely with more than one tenant. And, none of them will be related to the funeral business.

Thank you for your consideration of this request.

Sincerely



Daniel Cox





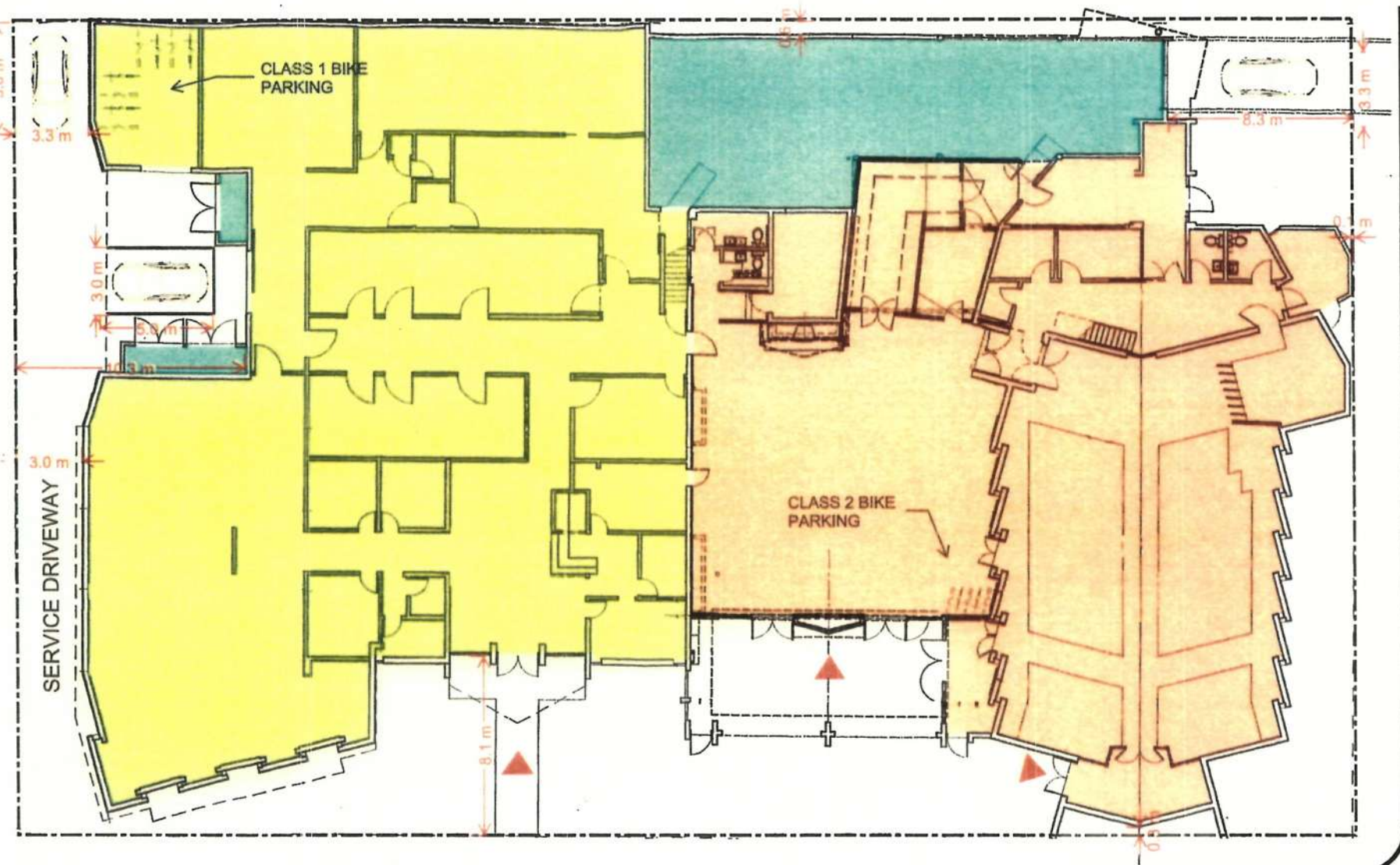
VANCOUVER STREET

SCALE 1 : 100

CONTEXT MAP



Victoria City Council - 13 Oct 2016



MAIN ENTRANCES

PROPOSED RETAIL - 625 m²

PROPOSED OFFICE / RETAIL - 725 m²

SERVICE AREAS - 150 m²

OPEN SPACE - 540 m²
FSR 0.7:1

JOHNSON STREET

Received
City of Victoria

JUL 21 2016

Planning & Development Department
Development Services Division

EXISTING SETBACK DIMENSIONS (MAX AND MIN)

MAXIMUM HEIGHT MAIN FLOOR - 16FT

MAXIMUM HEIGHT SECOND FLOOR
(ESTIMATE) - 25FT

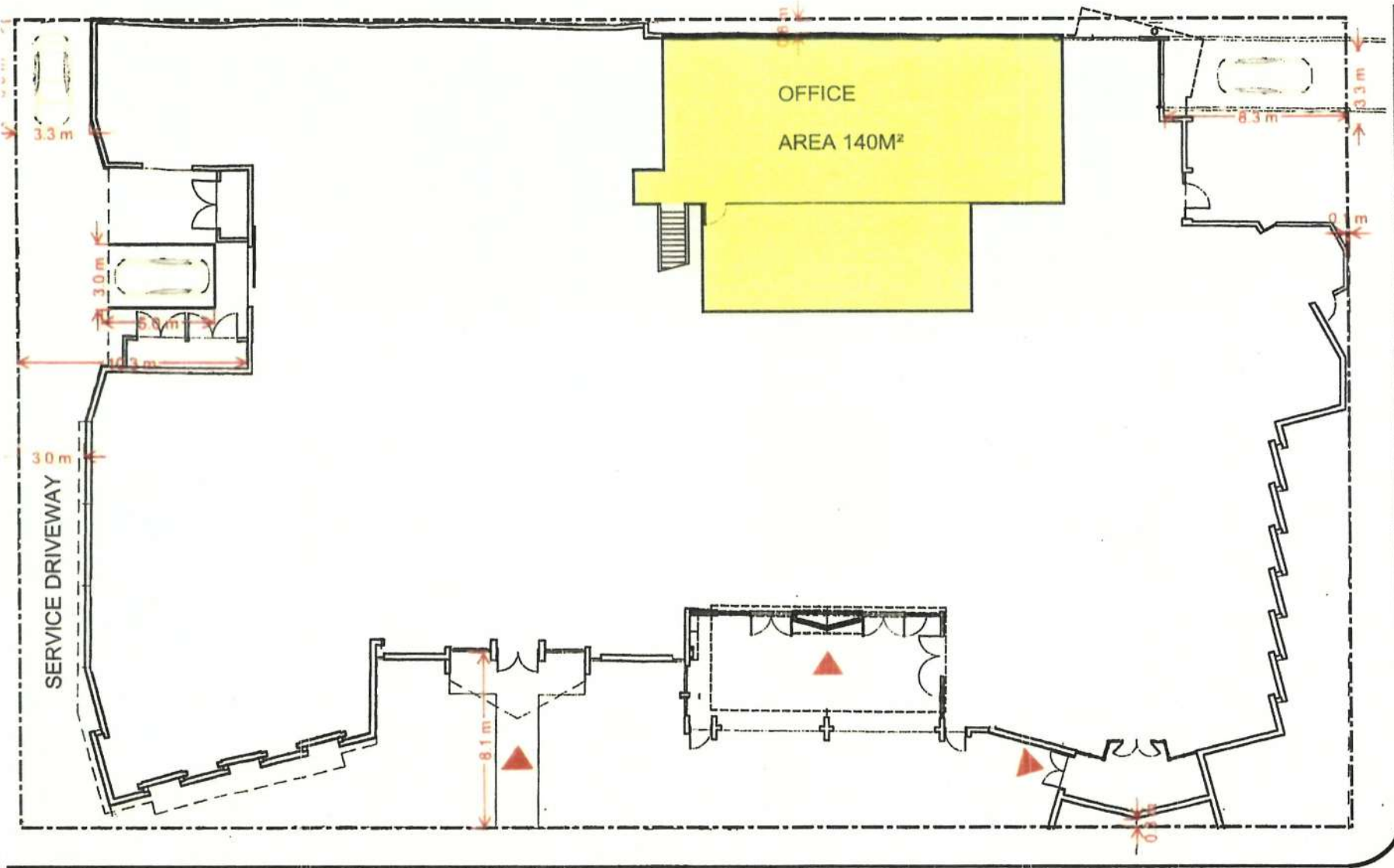


VANCOUVER STREET

SCALE 1 : 100

CONTEXT MAP

Victoria City Council - 13 Oct 2016



▲ MAIN ENTRANCES
PROPOSED OFFICE - 140M²

JOHNSON STREET

EXISTING SETBACK DIMENSIONS (MAX AND MIN)

MAXIMUM HEIGHT MAIN FLOOR - 16FT

MAXIMUM HEIGHT SECOND FLOOR
(ESTIMATE) - 25FT

Received
City of Victoria

JUL 21 2016

Planning & Development Department
Development Services Division

Pamela Martin

From: Dwayne Thompson [REDACTED]
Sent: Tuesday, October 04, 2016 11:01 AM
To: Public Hearings
Subject: 1400 Vancouver st and 952 Johnson St. proposal.
Attachments: 00001_1400 Vancouver St_Website.pdf

We have no problem with using this property for light Commercial.

We are definetley against any developement which may entail the building of a high rise building. We are inundated with high rises now. Enough is enough.

Dwayne and Joyce Thompson,
901-1026 Johnson St.
[REDACTED]

Sent from my iPad

Mayor and Council

Victoria, B.C.

September 03 2016

Received your communal letter today with regards to the proposed condo development at Johnston and Vancouver (the former funeral home location).

I feel it is of no use for me to attend the meeting because Victoria Council will do whatever it wishes irrespective of public input. I attended and presented at the Victoria Council meeting before the condo development on Vancouver and Yates was approved. To my chagrin, Council approved the 17 story condo which will be directly in my face. So..... why would Council not do similar again?

As I stated at the above mentioned Council meeting, I am not against development, I am against the lack of consideration to the people currently living downtown. The amenities of downtown residents should always be taken into consideration. Do we want to look like downtown Vancouver or Hong Kong.

My family and I are not seriously considering selling and moving away from Victoria per se. After 14 years of condo living in downtown Victoria, I am not a happy resident.

I would suggest (which I am sure will fall on deaf ears) that Victoria proceed with development that is more friendly to the residents. We do not need to continually reach for the sky in structural development.

I would strongly suggest that one of the main objectives in development is the raising of tax dollars for the City of Victoria, at the expense of the local population.

I know it was a waste of time for me to write this letter, but at least I did something.

Yours Truly

Reg K. Ballard



#1502 – 930 Yates Street

V8V 4Z3

3. CONSENT AGENDA

3.1 Development Permit with Variances Application No. 00014 for 715 Princess Avenue

Committee received a report dated August 19, 2016, from the Director of Sustainable Planning and Community Development regarding an application to construct a two-storey storage garage with upper floor office space.

Motion: It was moved by Councillor Alto, seconded by Councillor Lucas, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00014 for 715 Princess Avenue, in accordance with:

1. Plans date stamped July 25, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Part 7.2.9: remove loading space requirement from one space to nil.
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 16/COTW

Committee of the Whole Minutes – September 8, 2016

REPORTS OF COMMITTEES

1. Committee of the Whole – September 8, 2016

1. Development Permit with Variances Application No. 00014 for 715 Princess Avenue

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00014 for 715 Princess Avenue, in accordance with:

1. Plans date stamped July 25, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Part 7.2.9: remove loading space requirement from one space to nil.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously



Committee of the Whole Report For the Meeting of September 8, 2016

To: Committee of the Whole **Date:** August 19, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Permit with Variances Application No. 00014 for 715 Princess Avenue

RECOMMENDATION

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00014 for 715 Princess Avenue, in accordance with:

1. Plans date stamped July 25, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Part 7.2.9: remove loading space requirement from one space to nil.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 715 Princess Avenue. The proposal is to construct a 262m² two-storey storage garage with upper floor office space. Three on-site parking spaces are provided with one space in the building and two spaces in the front yard. A variance is requested to eliminate a dedicated on-site loading space. The applicant's intent is to use the building as a garage for vehicle storage.

The following points were considered in assessing this Application:

- The proposed building design, landscaping and fencing is generally consistent with the Development Permit Area objectives and design guidelines.
- Room for the required designated loading space is not available due to the narrow lot width and small lot size; however, the lack of a formal loading space can be considered due to the modest size of the proposed building and the availability of on-site loading space when a parking space is unoccupied.

BACKGROUND

Description of Proposal

The proposal is to construct a 262m² two-storey storage garage with upper floor office space. Three on-site parking spaces are provided with one space in the building and two spaces in the front yard. A variance is requested to not provide a dedicated on-site loading space. The applicant's intent is to use the building as a garage for vehicle storage.

The exterior design of the proposed building generally matches the applicant's neighbouring building at 717 Princess Avenue providing a cohesive and compatible appearance.

Specific details include:

- ground floor storage garage with mezzanine
- second floor offices with deck space
- in-building storage for five bicycles with one bicycle stall outside
- three vehicle parking stalls – one inside the proposed storage garage
- materials include: clear finish edge grain fir entry and garage doors, clear anodized aluminium windows, galvanized steel canopies, corrugated steel siding and stucco cladding on the upper floor level
- landscape strips along the east and west property lines and by the front building entrance
- security gate to match the gate next door at 717 Princess Avenue.

The proposed variance is related to eliminating dedicated on-site loading space.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this Application.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Existing Site Development and Development Potential

The site is presently in the M-1 Zone. Under the current M-1 Zone, the property could be developed at a density of 3:1 Floor Space Ratio (FSR) with a range of light industrial, work-live and service commercial uses.

Data Table

The following data table compares the proposal with the existing M-1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard M-1 Zone
Site area (m ²) - minimum	236.60	N/A
Lot width (m) - minimum	9.13	N/A
Density (Floor Space Ratio) - maximum	1.07:1	3:1
Total floor area (m ²) - maximum	252	N/A
Height (m) - maximum	9.48	15.00
Storeys - maximum	3	N/A
Setbacks (m) - minimum		
Front (Princess Ave.)	7.59	3.00 or 0
Rear	0.00	3.00 or 0
Side (east)	0.00 main floor/4.03 2 nd floor	3.00 or 0
Side (west)	0.00	3.00 or 0
Parking - minimum	3	3
Loading space	Nil*	1
Bicycle parking stalls (minimum)	5 class one 1 class two	5 class one 1 class two

Relevant History

The site was previously occupied by a derelict single family dwelling. A Minor Development Permit was issued on June 30, 2015 for demolition of a house on this property with fencing to screen the vacant site

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 23, 2016 and August 17, 2016 the Application was referred for a 30-day comment period to the Burnside-Gorge CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes a variance, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variance.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies this property within DPA 7A Corridors – Douglas Street and Blanshard Street. This Development Permit Area designation enables Council to review and approve the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures. The objectives of the designation include revitalizing areas of commercial use along corridors through high-quality architecture, landscape and urban design to enhance their appearance to achieve coherent design along corridors, strengthen commercial viability and encourage pedestrian use.

With respect to the *Advisory Design Guidelines for Buildings, Signs and Awnings*, the building massing, scale, materials and colours are in keeping with the adjacent buildings and the materials are of high-quality and generally durable. With respect to the *Guidelines for Fences, Gates and Shutters* the proposed fence matches the fence approved for the adjacent property at 717 Princess Avenue. Its height is 1.68m (5' 6") with a structure that is largely transparent which minimizes a fortress-like appearance but provides security.

Loading Space

The narrow width and small size of the lot make the provision of a dedicated on-site loading space impractical; however, loading space is available on-site when a parking space is unoccupied.

Conclusions

The proposed building design, landscaping and fencing is generally consistent with the Development Permit Area objectives and design guidelines. Room for the required designated loading space is not available due to the narrow lot width and small lot size. The lack of a formal loading space can be considered due to the modest size of the proposed building and the availability of on-site loading space when a parking space is unoccupied. Therefore, staff recommend that Council give consideration to supporting this proposal and advancing the Development Permit with Variances Application to an opportunity for public comment.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00014 for the property located at 715 Princess Avenue.

Respectfully submitted,



Brian Sikstrom
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

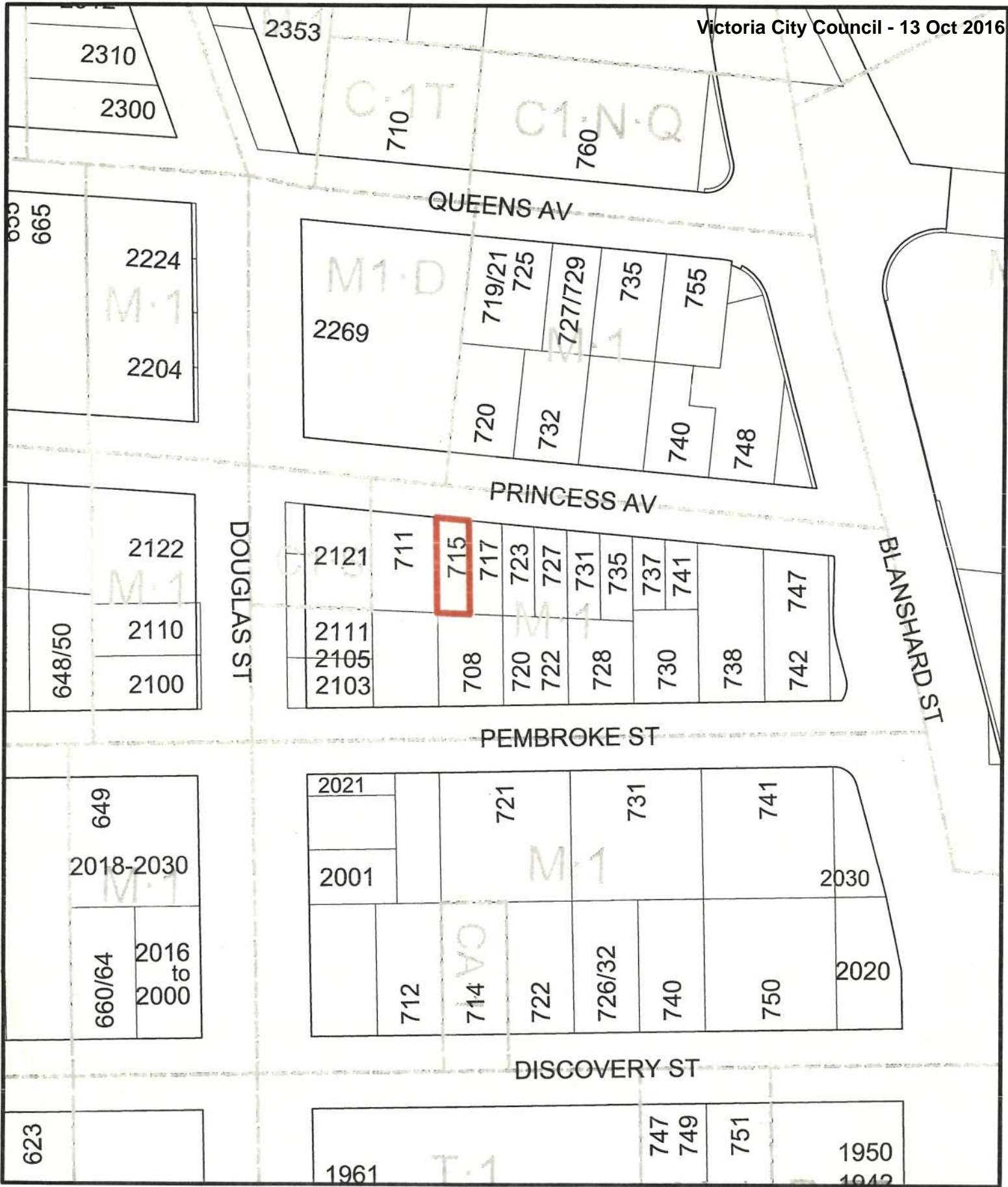
Report accepted and recommended by the City Manager:

Date:

August 30, 2016

List of Attachments

- Zoning map
- Aerial map
- Letter from applicant to Council date stamped July 25, 2016
- Plans date stamped July 25, 2016.



715 Princess Avenue
Development Permit with Variance #00014



25 July 2016

Mayor and Council
CITY OF VICTORIA
1 Centennial Square
Victoria BC V8W 1P6



101 1831 Oak Bay Avenue
Victoria BC V8R 1C3

phone: 250 . 592 . 9198
fax: 250 . 592 . 9178

RE: **NEW TWO-STOREY LIGHT INDUSTRIAL BUILDING / GARAGE**
715 Princess Street, Victoria BC

Development Permit With Variance Application

Mayor and Council,

On behalf of Steve Allaire, owner of a vacant property located at 715 Princess Street, between Douglas and Blanshard Streets, we hereby submit a revised development permit application with variance for a new two-storey light industrial building to serve as a personal/private storage garage for collector vehicles. Mr. Allaire owns the adjacent property at 717 Princess Street and completed comprehensive base building upgrades to the existing one storey warehouse building in 2015. A high standard of care and finish is reflected in these recent improvements, and will be carried over into the adjacent property. Following a technical review of the application by City of Victoria staff in early July, we have modified our application to address some of the comments and issues that were raised.

Mr. Allaire intends to build a new two-storey building similar in nature and scale, not only, to compliment his existing building but also, to contribute to the overall improvement of the street and neighbouring context. When Mr. Allaire purchased 715 Princess Street, a condemned single-family dwelling sat on the property. Neglected over many years, the property had developed a history of vandalism, squatting, and substance use by squatters. A risk to neighbouring properties and an eyesore on a block that was undergoing improvements, Mr. Allaire demolished the house, cleared the site of all debris and hazardous waste and materials, and secured the site with a fence/gate structure along the front property boundary while he contemplated the redevelopment of the site.

CONTEXT

The site is located within Development Permit Area 7A Corridors, and more specifically, within the Douglas-Blanshard Street Corridor. Princess Street is not a through road and is flanked primarily by commercial and light industrial buildings, ranging from one to two storeys, and dominated by auto detailers.

The site falls within the M1- Zone, Limited Light Industrial District and is one of a number of small lots that used to or still accommodates a single-family dwelling [most used for commercial purposes]. While these small lots are not capable of supporting larger industrial uses such as manufacturing, processing or assembly, the zone does permit an interesting and wide range of permitted uses, including but not limited to garages, a variety of light industrial and small business uses, professional services, high-tech, work-live, and also allows for residential, be it work-live, a residence ancillary to primary use or transient accommodation.

The current owner proposes to use the building to store his personal vehicles with the added benefit of office space for his use on the second floor.

Should property ownership change in the future, the building will suit a number of different permitted uses in the zone and the second floor office space can easily be converted to a residential suite, making the proposed development suitable for adaptive re-use in the future.

ARCHITECTURE

The intention is to build on the architectural expression developed for 717 Princess in order to provide a cohesive and compatible development. A new building provides both an opportunity to extend features such as clear finish edge grain fir entry and garage doors, clear anodized aluminium windows and galvanized steel canopies, and to introduce new materials and finishes such as corrugated steel siding and stucco cladding for the upper floor level.

In place of typical chain link enclosures [some with added barbed wire ornamentation at the top], the same custom-designed galvanized steel gate structure previously developed and approved for 717 Princess Street will again be used to secure the street frontage along 715 Princess Street. Photos of the existing gate structure have been included for your reference. The gate structure has been structurally engineered to withstand manoeuvrability and to meet its functional requirements. Though it appears substantial, the gate structure remains transparent and at only 1 680 mm [5'-6"] in height above finished grade, does not project an imposing front to the property. A "person-door" forms part of this new gate structure for ease of access.

Since the new structure is built to zero lot line along the east, west and south property boundaries, the north-facing façade serves as the one primary building façade able to make a contribution to the building's street presence. The upper most level is set back from the south property line providing the owner with south-facing deck space accessible from his office or future residential suite. The steel canopy at the front of the building has been raised to accommodate a clear height of 4.3 m required for a loading space.

Moving the building forward was not pursued as it would have compromised meeting off-street parking and loading requirements and compromised exiting requirements and its relationship to 717 Princess Street [reciprocal easement for access].

As this building will be for the personal use of the owner, no signs are required. Signs in the future would be subject to a separate sign permit application.

With regards to soft landscaping, the owner will provide some green space in the front yard in the form of landscape strips along the east and west property lines and by the front entrance to the building which relates to his intention to pursue a higher standard of care and finish for his property. Climbing wisteria or similar will be encouraged to climb the fence and posts, which separates his two properties.

OFF STREET PARKING REQUIREMENTS

Based on Schedule C and the proposed light industrial use of storage garage with ancillary office use, 3 off-street parking stalls are required based on 1 stall per 93 sq.m. of gross floor area. Two can be accommodated at the front of the building, with one proposed within the building itself [though two to three vehicles can be accommodated in the building].

With regards to bicycle parking, a total of six bicycle parking spaces have been provided on site, of which five spaces are Class 1 secured and enclosed within the building and one is Class 2 bicycle parking space for visitors, located by the main entrance to the building.

While the current use of the building is for storing personal vehicles, it is understood that future uses may demand bicycle parking for employees, residents and visitors.

TECHNICAL VARIANCE

The M-1 Zone requires the provision of a loading space with dimensions no less than 4m wide, 9m long and 4.3m high, set back at least 3m from the street. A loading space meeting these dimensions has been provided; however, a technical variance is being sought for the following reasons:

1. The modest size of the lot and the width of the lot make the provision of a loading space and 3 off-street parking stalls challenging and impractical.
2. Based on the current owner's intended use of the property, there is no need for a designated loading space; however, it is understood that a subsequent owner may require an onsite loading space.
3. In lieu of a designated loading space being provided, a loading space is being provided with the understanding that when not in use [not ever likely by this owner], the same space can be used for parking a vehicle or providing access to the garage.
4. The driveway crossing must remain the full width of the site to accommodate the loading space and the owner's need to back his trailer and truck into the storage garage.
5. Stacking of vehicles [front to back] within the garage by the current owner will improve his ability to meet and/or exceed off-street parking requirements.

The owner, who will be occupying the building for his own use, will be able to move his vehicles as he needs to. In theory, he will be able to park two to three vehicles within the building and two to three outside if he wishes including larger vehicles if necessary on occasion. We do not anticipate any negative impact on the surrounding street or businesses.

The proposed development at 715 Princess Street, along with its "sister" development at 717 Princess Street, will serve to improve the overall streetscape as Mr. Allaire and neighbouring business owners work together to enhance street appeal and improve safety and security within this light industrial area, in close proximity to the downtown core.

We trust that the foregoing provides you with enough information to proceed with your review process. Should you require additional information or clarification, please do not hesitate to contact us.

Regards,
Hillel Architecture Inc.,



Karen Hillel Architect AIBC



Existing Street Photos of Subject Property

Planning & Development Department
Provisional Services Division



Site Plan
Scale 1:100

ZCNRHQ	14-1
lot area	238.00 m ² (2,547 sq)
lot coverage	60.5 % (142.28 m ²)
floor to rise ratio	1.07 : 1
average grade	17.23 m quadrant
to gate	8.48 m (27.8 ft)

Project/2	2 (residential) nuclear houses		
vehicle parking	1 space per vehicle within building		
icycle parking	5 "bikes" 1' wide in building 1 "bikes" 2' wide at entry		
loading zone	subject to technical review 1 - entrance		
DETAILS			
height	primary	8.59 m	(28.19 ft) - main structure
		7.39 m	(24.26 ft) - parking structure
rise	main/1	0.0 m	(0.0 ft) - main structure
		4.05 m	(13.28 ft) - 2nd floor
size	footprint	0.0 m	(0.0 ft)
size	height	0.0 m	(0.0 ft)

A1.1	Project Title & Site Plan
A2.1	Plot & Road Plans
A3.1	Exterior Elevations & Building Sections
	Material Board

FD Average Annual - Average Profit Generation									
Manager	Year	Profit	Average	Delta	Factor	Total Factor	Percent	Average Profit 2001-2003 per owner	Q
101	2001	12.1	12.1	0.00	0.00	0.00	0.00		
101	2002	12.1	12.1	0.00	0.00	0.00	0.00		
101	2003	12.1	12.1	0.00	0.00	0.00	0.00		
101	2004	12.1	12.1	0.00	0.00	0.00	0.00		
101	2005	12.1	12.1	0.00	0.00	0.00	0.00		
101	2006	12.1	12.1	0.00	0.00	0.00	0.00		
101	2007	12.1	12.1	0.00	0.00	0.00	0.00		
101	2008	12.1	12.1	0.00	0.00	0.00	0.00		
101	2009	12.1	12.1	0.00	0.00	0.00	0.00		
101	2010	12.1	12.1	0.00	0.00	0.00	0.00		
101	2011	12.1	12.1	0.00	0.00	0.00	0.00		
101	2012	12.1	12.1	0.00	0.00	0.00	0.00		
101	2013	12.1	12.1	0.00	0.00	0.00	0.00		
101	2014	12.1	12.1	0.00	0.00	0.00	0.00		
101	2015	12.1	12.1	0.00	0.00	0.00	0.00		
101	2016	12.1	12.1	0.00	0.00	0.00	0.00		
101	2017	12.1	12.1	0.00	0.00	0.00	0.00		
101	2018	12.1	12.1	0.00	0.00	0.00	0.00		
101	2019	12.1	12.1	0.00	0.00	0.00	0.00		
101	2020	12.1	12.1	0.00	0.00	0.00	0.00		
101	2021	12.1	12.1	0.00	0.00	0.00	0.00		
101	2022	12.1	12.1	0.00	0.00	0.00	0.00		
101	2023	12.1	12.1	0.00	0.00	0.00	0.00		
101	2024	12.1	12.1	0.00	0.00	0.00	0.00		
101	2025	12.1	12.1	0.00	0.00	0.00	0.00		
101	2026	12.1	12.1	0.00	0.00	0.00	0.00		
101	2027	12.1	12.1	0.00	0.00	0.00	0.00		
101	2028	12.1	12.1	0.00	0.00	0.00	0.00		
101	2029	12.1	12.1	0.00	0.00	0.00	0.00		
101	2030	12.1	12.1	0.00	0.00	0.00	0.00		
101	2031	12.1	12.1	0.00	0.00	0.00	0.00		
101	2032	12.1	12.1	0.00	0.00	0.00	0.00		
101	2033	12.1	12.1	0.00	0.00	0.00	0.00		
101	2034	12.1	12.1	0.00	0.00	0.00	0.00		
101	2035	12.1	12.1	0.00	0.00	0.00	0.00		
101	2036	12.1	12.1	0.00	0.00	0.00	0.00		
101	2037	12.1	12.1	0.00	0.00	0.00	0.00		
101	2038	12.1	12.1	0.00	0.00	0.00	0.00		
101	2039	12.1	12.1	0.00	0.00	0.00	0.00		
101	2040	12.1	12.1	0.00	0.00	0.00	0.00		
101	2041	12.1	12.1	0.00	0.00	0.00	0.00		
101	2042	12.							



Typical Gate Panel Diagram
Scale 1:100

CIVIC ADDRESS
 715 Piccadilly Avenue, Victoria B.C.
 V8S 1K5

LEGAL ADDRESS
 The Port of Lot 7, Block A, Lanes 1
 Victoria, British Columbia
 P.O. Box 1808
 Victoria, B.C. V8W 2G6
 Tel: 250-521-9136
 Fax: 250-521-9131
 E-mail: info@portvictoria.bc.ca

STRUCTURAL ENGINEER
 Lord James Christensen Ltd.
 250-445 Yates Road, Victoria B.C.
 V8A 6G5
 Contact: Cameron Heston
 Tel: 250-580-7800
 Fax: 250-581-7780
 E-mail: cmh@lxc.ca

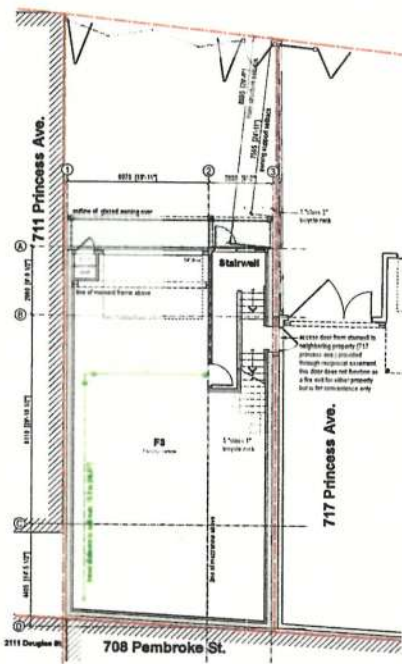
BUILDING COMMISSION
 Stone Affairs
 1300 Jervis Rd, Victoria B.C.
 V8N 4P5
 Tel: 250-682-2222
 Fax: 250-682-2223
 E-mail: info@stoneaffairs.com

PROJECT DESCRIPTION
 Precast construction of a low storey
 industrial commercial building to
 house collector vehicles

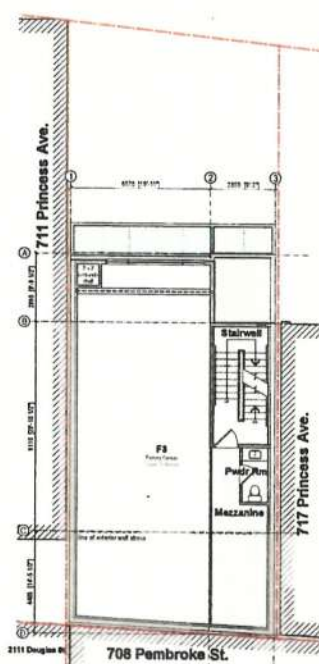
Victoria BC

Development Diagrams

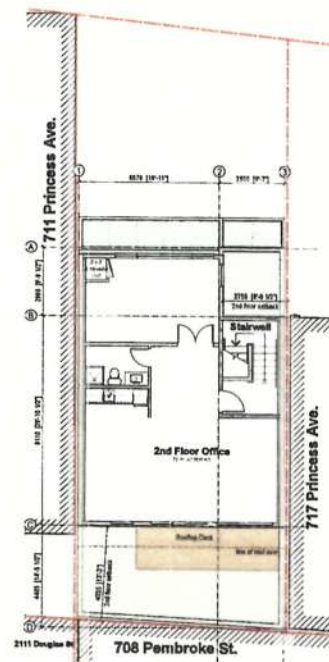
Received
City of Victoria
JUL 25 2016
Planning & Development Department
Development Services Division



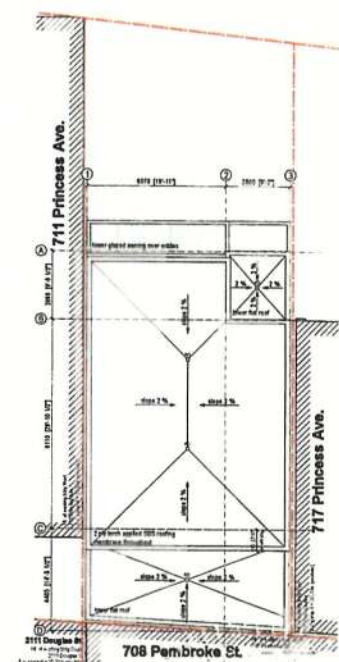
Ground Floor Plan
Scale 1:100



Mezzanine Floor Plan
Scale 1:100



Upper Floor Plan
Scale 1:100

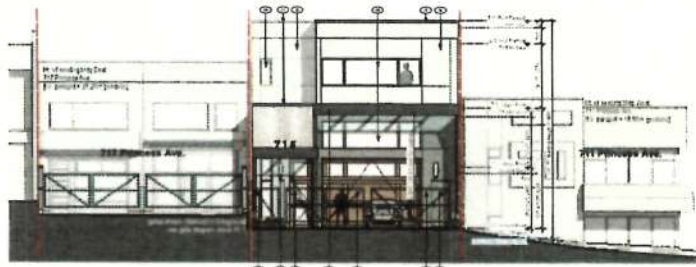


Roof Plan
Scale 1:100

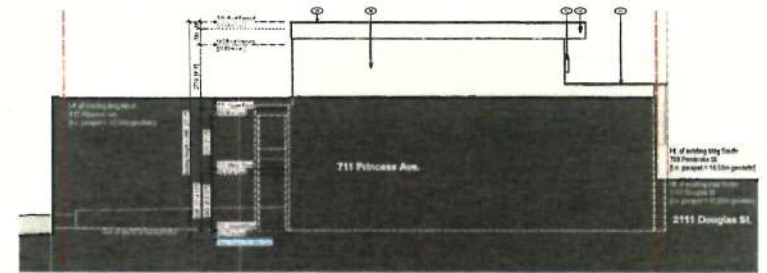
715 Princess Avenue Victoria BC
Development Diagrams



Victoria City Council - 13 Oct 2016



Front Elevation [North]
Scale 1:100

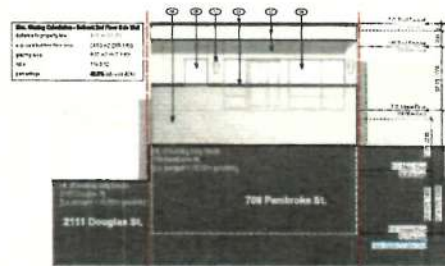


Side Elevation [West]
Scale 1:100

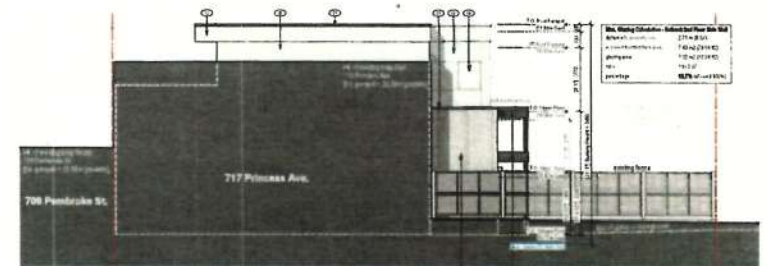
EXTERIOR FINISHES LEGEND

List of finishes typical of all elevations

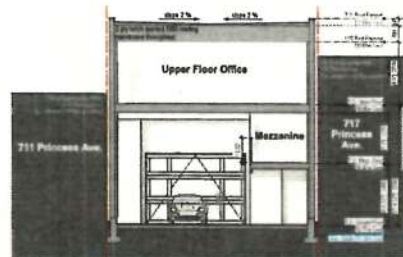
- (01) Prefinished metal roof flashing 75mm vertical face typical - Light Gray
- (02) detailed
- (03) Cement based stucco finish panelized with prefabricated metal reveals - Bright White colour
- (04) Cement based stucco finish panelized with prefabricated metal reveals - Warm Gray colour
- (05) Corrugated metal panning galvalume finish
- (06) Exposed concrete block wall on zero lotline painted - Bright White colour
- (07) Custom wood entry door complete with glazed panels - All glazed panels complete with 3M Frosted Crystal translucent film
- (08) Custom overhead wood door complete with glazed upper panels - All glazed panels complete with 3M Frosted Crystal translucent film
- (09) Clear anodized aluminum window & door units
- (10) Steel door for exterior access to dumbbular painted - Warm Gray colour
- (11) Glazed railing on structural steel posts and frame components painted - Graphite colour
- (12) Exterior light fixture



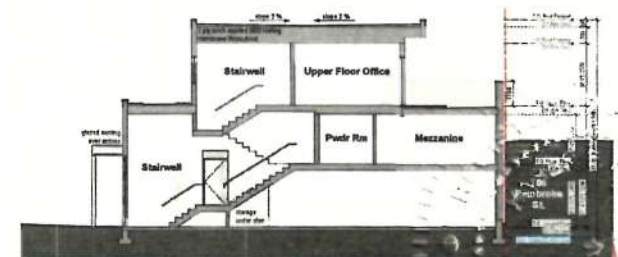
Rear Elevation [South]
Scale 1:100



Side Elevation [East]
Scale 1:100



Cross Building Section [Facing North]
Scale 1:100



Longitudinal Building Section [Facing East]
Scale 1:100



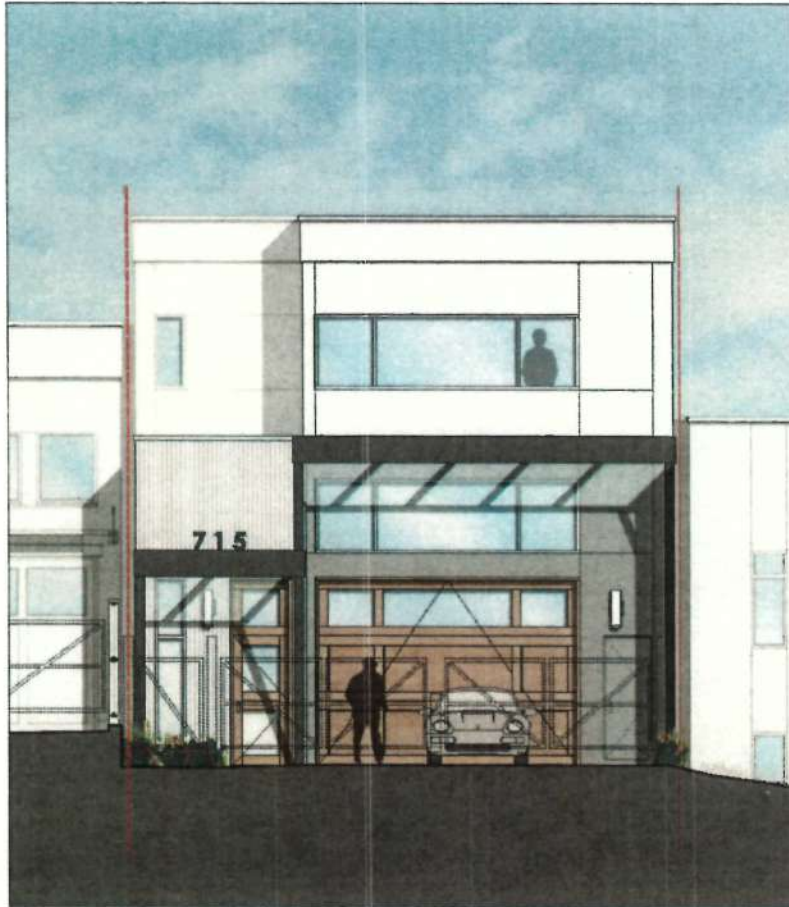
715 Princess Avenue

Victoria BC

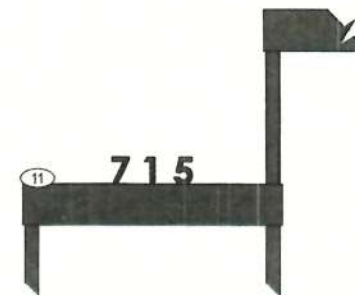
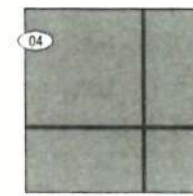
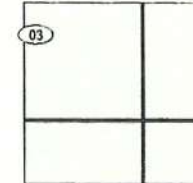
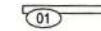
Development Diagrams



Colour & Materials Palette



- 01 Prefinished metal roof flashing, 75mm vertical face typical - Light Gray
- 02 deleted
- 03 Cement based stucco finish, paneled with prefabricated metal reveals - Bright White colour
- 04 Cement based stucco finish, paneled with prefabricated metal reveals - Warm Gray colour
- 05 Corrugated metal paneling, galvalume finish
- 06 Exposed concrete block wall on zero lotline, painted - Bright White colour
- 07 Custom wood entry door complete with glazed panels - All glazed panels complete with 3M Frosted Crystal translucent film.
- 08 Custom overhead wood door complete with glazed upper panels - All glazed panels complete with 3M Frosted Crystal translucent film.
- 09 Clear anodized aluminum window & door units
- 10 Steel door for exterior access to dumbwaiter, painted - Warm Gray colour
- 11 Glazed awning on structural steel posts and frame components, painted - Graphite colour
- 12 Exterior light fixture



715 Princess Avenue Victoria BC
Development Diagrams

Pamela Martin

From: Greg Underwood [REDACTED]
Sent: Tuesday, October 11, 2016 12:56 PM
To: Public Hearings
Subject: VARIANCE FOR PROPOSED DEVELOPMENT AT 715 PRINCESS AVE.

I have no problems with having the loading dock removed from this plan. The street manages large truck deliveries and pickups and has done so for several years. The lot is small and a loading dock would impede any reasonable development.

The developer is a good neighbor and has made a huge improvement to our block.

Regards
Greg Underwood
Owner
720Princess ave.

3. CONSENT AGENDA

3.1 Development Permit with Variances Application No. 00015 for 202 Edward Street

Committee received a report dated August 25, 2016, from the Director of Sustainable Planning and Community Development regarding an application for a small lot house.

Motion: It was moved by Councillor Alto, seconded by Councillor Lucas, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00015 for 202 Edward Street, in accordance with:

1. Plans date stamped August 10, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Existing Dwelling (Proposed Lot A)

- i. reduce the rear yard setback from 7.50m to 4.30m.

Small Lot House (Proposed Lot B)

- i. reduce the front yard setback from 6.00m to 5.76m;
- ii. reduce the rear yard setback from 6.00m to 5.16m for building only and from 6.00m to 3.00m to allow a retaining wall;
- iii. reduce the side yard (north) setback from 2.40m to 1.50m to allow for a habitable room with a window and to 1.04m to allow a projection for a fireplace;
3. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 16/COTW

Committee of the Whole Minutes – September 8, 2016

REPORTS OF COMMITTEES

1. Committee of the Whole – September 8, 2016

2. Development Permit with Variances Application No. 00015 for 202 Edward Street

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00015 for 202 Edward Street, in accordance with:

1. Plans date stamped August 10, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Existing Dwelling (Proposed Lot A)

- i. reduce the rear yard setback from 7.50m to 4.30m.

Small Lot House (Proposed Lot B)

- i. reduce the front yard setback from 6.00m to 5.76m;
- ii. reduce the rear yard setback from 6.00m to 5.16m for building only and from 6.00m to 3.00m to allow a retaining wall;
- iii. reduce the side yard (north) setback from 2.40m to 1.50m to allow for a habitable room with a window and to 1.04m to allow a projection for a fireplace;

3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously



Committee of the Whole Report For the Meeting of September 8, 2016

To: Committee of the Whole **Date:** August 25, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00015 for 202 Edward Street

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00015 for 202 Edward Street, in accordance with:

1. Plans date stamped August 10, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - Existing Dwelling (Proposed Lot A)
 - i. reduce the rear yard setback from 7.50m to 4.30m.
 - Small Lot House (Proposed Lot B)
 - i. reduce the front yard setback from 6.00m to 5.76m;
 - ii. reduce the rear yard setback from 6.00m to 5.16m for building only and from 6.00m to 3.00m to allow a retaining wall;
 - iii. reduce the side yard (north) setback from 2.40m to 1.50m to allow for a habitable room with a window and to 1.04m to allow a projection for a fireplace;
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 202 Edward Street. The proposal is to subdivide the existing property and construct a new small lot house. The variances are related to the rear yard setback of the existing house and the front, rear and

side yard (north) setbacks of the proposed small lot house.

The following points were considered in assessing this Application:

- the proposal is consistent with the objectives and guidelines for sensitive infill contained in Development Permit Area 15A: Intensive Residential - Small Lot, of the *Official Community Plan 2012* (OCP);
- Council approved a Development Permit on April 11, 2013 to construct a small lot house on a portion of the subject property in the R1-S2 Zone, Restricted Small Lot (Two Storey) District. Since issuing the original Development Permit (valid for two years from the date of issuance), subdivision and construction of the small lot house has not commenced and as a result, the original Development Permit has expired in accordance with Section 504 of the *Local Government Act*;
- the requested variance associated with the existing dwelling is to reduce the rear yard setback. The proposed setback is supportable because there would be adequate outdoor space for a patio and landscaping in the rear yard, and there is also only one small window at the basement level on the north elevation of the small lot house, which avoids potential overlook;
- the requested variances associated with the small lot house are to reduce the front, rear and side yard (north) setbacks. The proposed setback variances are recommended to council and would have minimal impacts on the neighbouring properties. The established streetscape pattern would not be disrupted, there would be adequate open site space on the lot, and substantial landscaping along the side and rear property lines.

BACKGROUND

Description of Proposal

The proposal is for a small lot house. Specific details include:

- two-storey building with a basement
- design elements such as a slightly pitched roofline, distinctive front entryway and traditional style windows
- the exterior materials include hardi shingles and smooth finished hardi panel
- surface parking is provided in the driveway and behind the building
- new hard and soft landscaping would be introduced.

The proposed variances are related to:

- reducing the rear yard setback of the existing dwelling
- reducing the front, rear and side yard (north) setbacks of the proposed small lot house.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this Application.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Existing Site Development and Development Potential

The site is presently a single family dwelling.

Data Table

The following data table compares the proposal with the existing R1-S2 Zone, Restrictive Small Lot (Two Storey), and R1-B Zone, Single Family Dwelling District. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk (**) is used to identify an existing condition that does not conform to the existing zone.

Zoning Criteria	Proposed Lot A (existing building)	Zone Standard R1-B Zone	Proposed Lot B (new small lot)	Zone Standard R1-S2 Zone
Site area (m ²) - minimum	467.00	460.00	260.50	260.00
Density (Floor Space Ratio) - maximum	n/a	n/a	0.47:1	0.60:1
Total floor area (m ²) - maximum	201.89	280.00	121.89	190.00
Lot width (m) - minimum	18.10	15.00	14.50	10.00
Height (m) - maximum	7.73**	7.60	7.28	7.50
Storeys - maximum	1.5	2	2	2
Site coverage % - maximum	29.16	40.00	26.54	40.00
Setbacks (m) - minimum				
Front	6.00** (Edward)	7.50	5.76* (Alston)	6.00
Rear	4.30* (south)	7.50	3.00*(retaining wall)/5.13 (building)	6.00
Side	5.27 (west)	1.81	1.50*(building)/1.04* (fireplace)(north)	2.40
Side	n/a	n/a	3.00 (south)	2.40
Side on flanking street	2.52** (Alston)	3.50	n/a	n/a
Combined side yards	7.79	4.50	n/a	n/a
Parking - minimum	1	1	1	1

Relevant History

Council approved a Development Permit on April 11, 2013, to construct a small lot house on the portion of the subject property in the R1-S2 Zone, Restricted Small Lot (Two Storey) District. Since issuing the original Development Permit (valid for two years from the date of issuance), subdivision and construction of the small lot house has not commenced and as a result, the Development Permit has expired in accordance with Section 504 of the *Local Government Act*.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on July 12, 2016, the Application was referred for a 30-day comment period to the Victoria West Community Association (CALUC). The applicant also completed the Small Lot House Rezoning Petition (attached) even though it is not a requirement of a Development Permit with Variances Application. The applicant has polled the immediate neighbours and reports 100% support for the Application.

This Application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The OCP identifies this property within Development Permit Area 15A: Intensive Residential - Small Lot. Even though the proposed design of the small lot house is slightly different from what was approved in 2013, the design is still consistent with the *Design Guidelines for Small Lot House (2002)*.

The proposal is for a two-storey dwelling unit with a basement. There is a mix of architectural building types in the neighbourhood, and the design of the small lot house incorporates architectural elements, such as a slightly pitched roofline, a distinctive front entryway and traditional-style windows. Windows are maximized on the front and rear elevations with minimal impact on neighbouring properties. The windows on the south side elevation are smaller and carefully located to respect the privacy of the adjacent neighbour.

The applicant is proposing a mix of hard and soft landscaping in the front and rear yards of the small lot house. There is a slightly raised patio located three metres from the rear property line. An existing fence and hedge will remain to provide screening between the small lot and the immediate neighbours.

Regulatory Considerations

Existing Dwelling

In order to accommodate the proposed small lot house, the applicant is proposing to reduce the rear yard setback of the existing dwelling from 7.50m to 4.30m. This variance was approved by Council in the previous Development Permit; however, the variance is no longer valid as a result of the expired Development Permit. The applicant still demonstrates on the proposed landscape plan that there is adequate private amenity space, including a patio area, for the residents of the dwelling. Staff recommend that Council consider supporting this variance.

Small Lot House

The applicant is proposing to reduce the front yard setback of the small lot house from 6m to 5.13m to accommodate front entry steps. The established streetscape pattern would not be disrupted and there is substantial landscaping being proposed in the front yard. The applicant is also proposing to reduce the rear yard setback from 6m to 3.00m. A reduced setback is a result of a retaining wall to accommodate a patio that is slightly above 0.6m (2ft) and subject to setback regulations in the zone. The retaining wall is slightly higher at one point due to the site topography. The building is setback 5.13m from the rear property line. The existing fence and hedge along the rear property line and the accessory building on the adjacent property would provide adequate privacy screening for residents.

The applicant is proposing to reduce the side yard setback on the north side from 2.40m to 1.50m to allow for a habitable room with a window, and from 2.40m to 1.04m to allow a projection for a fireplace. These proposed setbacks would have minimal impact on privacy, and landscaping along the side yard would provide additional screening for the residents and neighbours. Staff recommend that Council consider supporting this variance.

CONCLUSIONS

The proposal to construct a new small lot house and associated variances is consistent with Development Permit Area 15A: Intensive Residential - Small Lot. The small lot house is a form of sensitive infill development and fits in with the existing neighbourhood. Staff recommend that Council consider supporting this Application.

ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00015 for the property located at 202 Edward Street.

Respectfully submitted,

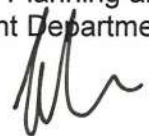


Leanne Taylor
Senior Planner
Development Services Division




Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

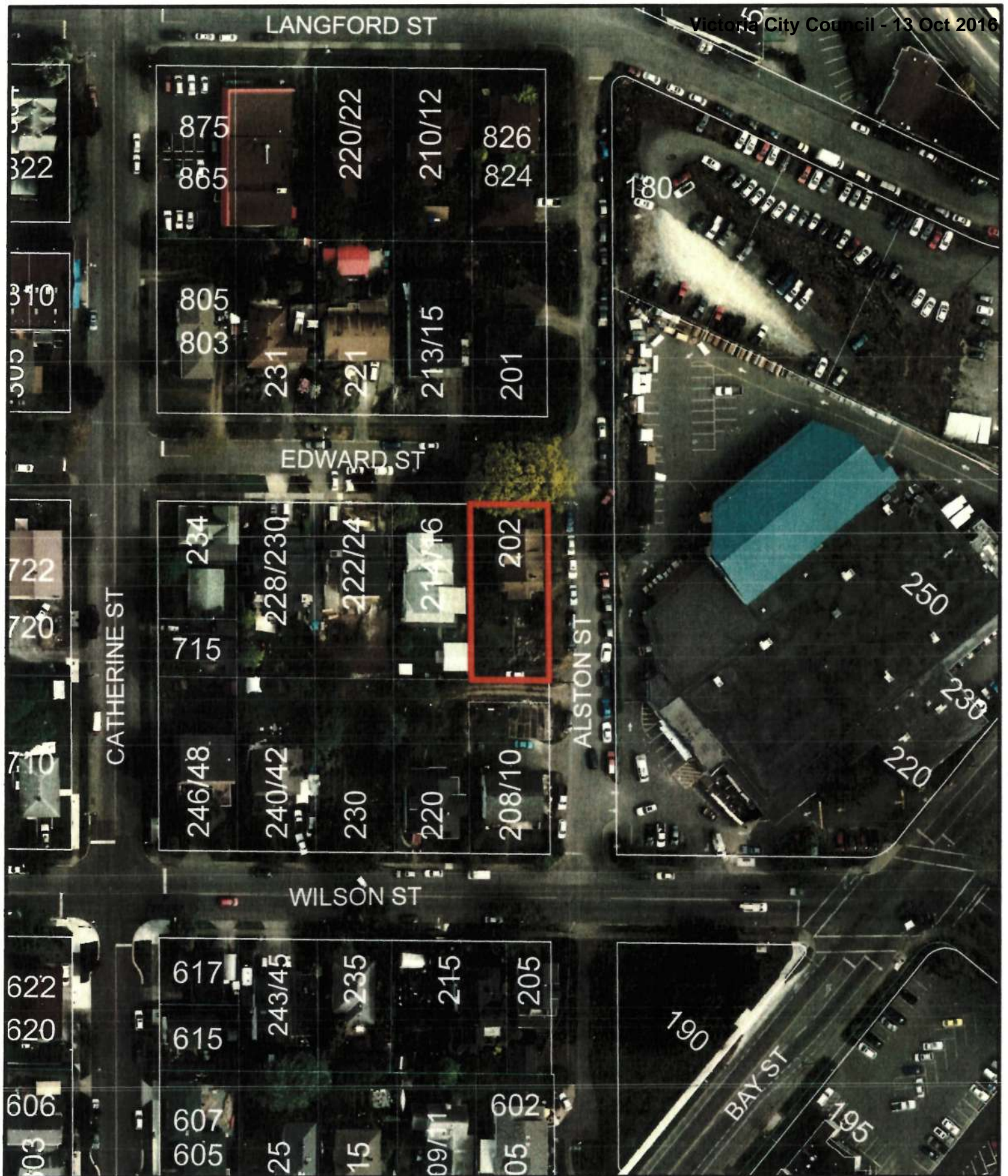
August 31, 2016

List of Attachments

- Zoning map
- Aerial map
- Applicant's letter to Mayor and Council dated August 9, 2016
- Small Lot Housing Rezoning Petition
- Plans dated August 10, 2016.



202 Edward Street
Development Permit with Variance #00015



202 Edward Street
Development Permit with Variance #00015

Giuseppe Martino
202 Edward Street
Victoria BC V9A 3E5

August 9, 2016

City Of Victoria
1 Centennial Square
Victoria BC V8W 1P6



Attention: Mayor and Council

Dear Sirs/Mesdames:

Re: Development Permit with Variances:

I am writing with respect to an application for Development Permit with Variances of 202 Edward Street, Victoria, British Columbia. I had made an application that was approved in May of 2013 but after paying the servicing fees, I unfortunately let the development permit expire.

The rationale for Development Permit with Variances is as follows:

1. Neighborhood Consultation

As 202 Edward Street has been my family's home since the 1950's we have developed some long relationship's on the street and continue to build new ones. I wanted to ensure I spoke with 13 of my immediate neighbors and showed the past plans and what I was now proposing for new build. All 13 neighbors were happy with the changes made and all signed the petition supporting the new building.

Some of the neighbor's comments were made about it being more attractive home with nicer looking roof line. The house detailing and colors worked well. Also mentioned was finally having a safe place to walk by adding a sidewalk to part of Alston Street. Positive comments were made on fitting well with neighborhood, the design of the home having a heritage feel.

My immediate neighbor to the west felt it was positive adding a home as it would block the bright Rona sign that they see from his second floor and be nicer to look at. This neighbor would also be the most affected by the proposal of the deck. They feel this is not a concern as there is a rock wall and mature 12 foot cedar trees that runs between our properties making it very private.

The petition of the 13 neighbors is supported and attached to the proposal.

2. Design

The new design is set on the previous proposals foot print. The difference being the addition of a basement and a walk out deck in the back of the main floor. Changes have been made in the pitch of the roof to make it less steep making it more appealing. Stucco in previous drawing has now been replaced with Hardi shingles making for a stronger more durable finish to the home. The windows being 30 percent more costly in the new proposal provide a more pleasing exterior esthetic.

The new proposal relates well with other character homes in the neighborhood. The Cross windows with framing detail gives this home a rich curbside appeal. Attention to window placement has been a focus to ensure privacy is considered for all parties. Only the rear and south side have windows that are directly facing adjacent neighbors.

The south side neighbor's home is set approx. 24.38m away from proposed home. There is also a driveway running between the two properties that feeds another home. This driveway adds even more separation between the two buildings.

As for the rear of the home there is no view of the first level as the homes are separated by a row of 12 foot mature cedar trees. The neighbor has expressed that they won't see the patio and it's not a concern for them. The second floor also poses little risk to privacy as there are only two windows. One being for light in the stairwell and the other in the third bedroom which doesn't have any direct view into their windows.

When speaking with the neighbors, all felt the new design was much more appealing and would beautify the neighborhood. The proposal would have minimal environmental impact – no trees would be removed and an existing rock wall would be recycled to divide the proposed properties.

3. Variances

The new proposal would require the same variance's that were approved to prior proposal.

The previous variances that were granted were:

- relaxation from 6m to 5.67m in front yard, and
- relaxation of 6m to 5.13m in back.

An additional rear yard setback variance of 3m his required to accommodate a raised patio over .6m (2feet) in height. However the building would still be setback 5.13m from rear property line.

The inclusion of the patio is to provide outdoor useable space. As the property has a slope, a patio space allows for a level enjoyable sitting area.

As mentioned in the Neighborhood Consultation the immediate neighbors have no concern about the deck or placement of home on the property.

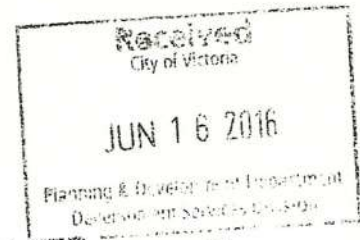
I trust that this is the information that you require and thank you for your consideration of this application.

Yours truly,

A handwritten signature in black ink, appearing to read 'Giuseppe Martino', with a long horizontal flourish extending to the right.

Giuseppe Martino

**SUMMARY
SMALL LOT HOUSE REZONING PETITION**



I, Giusseppe Martino, have petitioned the adjacent neighbours* in compliance with
(applicant)

the *Small Lot House Rezoning Policies* for a small lot house to be located at 511 EDWARD STREET
(location of proposed house)

and the petitions submitted are those collected by MAY 20/2016.**
(date)

Address	In Favour	Opposed	Neutral (30-day time expired)
201 EDWARD STREET	✓	✓	✓
213 EDWARD STREET	✓		
214 EDWARD STREET	✓		
215 EDWARD STREET	✓		
216 EDWARD STREET	✓		
221 EDWARD STREET	✓		
222 EDWARD STREET	✓		
224 EDWARD STREET	✓		
226 EDWARD STREET	✓		
230 EDWARD STREET	✓		
231 EDWARD STREET	✓		
208 NELSON STREET	✓		
220 NELSON STREET	✓		

SUMMARY	Number	%
IN FAVOUR	13	100
OPPOSED		
TOTAL RESPONSES	13	100%

*Do not include petitions from the applicant or persons occupying the property subject to rezoning.

**Note that petitions that are more than six months old will not be accepted by the City. It is the applicant's responsibility to obtain new petitions in this event.

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Giuseppe Martino
(print name)

, am conducting the petition requirements for the

property located at 202 EDWARD STREET

to the following Small Lot Zone: _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Harb Dhillon (see note above)

ADDRESS: 201 & 213/215 Edward St, Victoria BC

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

May 17/16
Date

Harb Dhillon
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Giuseppe Martino, am conducting the petition requirements for the
(print name)

property located at 202 EDWARD STREET

to the following Small Lot Zone: _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) MIKE KINNEY (see note above)

ADDRESS: 213 EDWARD ST.

Are you the registered owner? Yes ☐ No ☒

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

15 May 16
Date


Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Giuseppe Martino, am conducting the petition requirements for the
(print name)

property located at 202 EDWARD STREET

to the following Small Lot Zone: _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) ROSS HARENT (see note above)

ADDRESS: 214 EDWARD ST., V9A3E5

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

MAY 22, 2016
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Giuseppe Martino, am conducting the petition requirements for the
(print name)

property located at 207 EDWARD STREET

to the following Small Lot Zone: _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) KENNETH DAVID SHAW (see note above)

ADDRESS: 221 EDWARD STREET

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

AWESOME, GREAT LOOK TO THE NEIGHBOURHOOD.
LOOKING FORWARD TO THE SIDEWALK.

MAY 15/2016
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Giuseppe Martino, am conducting the petition requirements for the
(print name)

property located at 202 EDWARD STREET

to the following Small Lot Zone: _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Chelsea Stead (see note above)

ADDRESS: 222 Edward St

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

May 15/16
Date

Chelsea Stead
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Giuseppe Martino, am conducting the petition requirements for the
(print name)

property located at 202 EDWARD STREET

to the following Small Lot Zone: _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) ERIC REGENK (see note above)

ADDRESS: 224 EDWARD

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

May 15/16
Date


Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Giuseppe Martino
(print name)

, am conducting the petition requirements for the

property located at 202 EDWARD STREET

to the following Small Lot Zone: _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) Judith Blake (see note above)

ADDRESS: 228 Edward St.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

May 15 / 16
Date

[Signature]
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Giuseppe Martino, am conducting the petition requirements for the
(print name)

property located at 207 EDWARD STREET

to the following Small Lot Zone: _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) DAN BARTON (see note above)

ADDRESS: 230 EDWARD STREET

Are you the registered owner? Yes ☒ No ☐

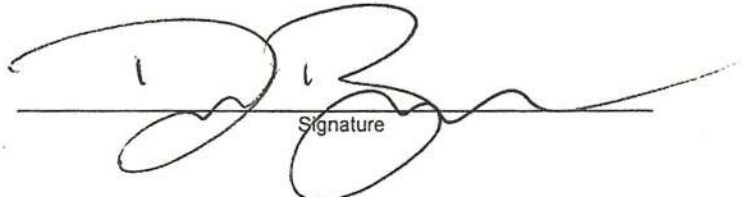
I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

MAY 22, 2016
Date


Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Giuseppe Martino, am conducting the petition requirements for the
(print name)

property located at 207 EDWARD STREET

to the following Small Lot Zone: _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

- NAME: (please print) Tuula Heikkilä (see note above)
- ADDRESS: 231 Edward st.

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

May 15 2016
Date

Tuula Heikkilä
Signature

SMALL LOT HOUSE REZONING PETITION

In preparation for my rezoning application to the City of Victoria, I,

Giuseppe Martino
(print name)

, am conducting the petition requirements for the

property located at 202 EDWARD STREET

to the following Small Lot Zone: _____

The City of Victoria's Small Lot Rezoning Policy requires that the applicant poll voting age residents and owners of neighbouring lots to determine the acceptability of the proposal. Please note that all correspondence submitted to the City of Victoria in response to this Petition will form part of the public record and will be published in a meeting agenda when this matter is before Council. The City considers your address relevant to Council's consideration of this matter and will disclose this personal information. However, if for personal privacy reasons you do not wish to include your name, please indicate your address and indicate (yes or no) if you are the registered owner. **Please do not include your phone number or email address.**

Please review the plans and indicate the following:

NAME: (please print) YAOJEAN HUANG (see note above)

ADDRESS: 208 WILSON

Are you the registered owner? Yes ☒ No ☐

I have reviewed the plans of the applicant and have the following comments:

☒ I support the application.

☐ I am opposed to the application.

Comments:

MAY 15

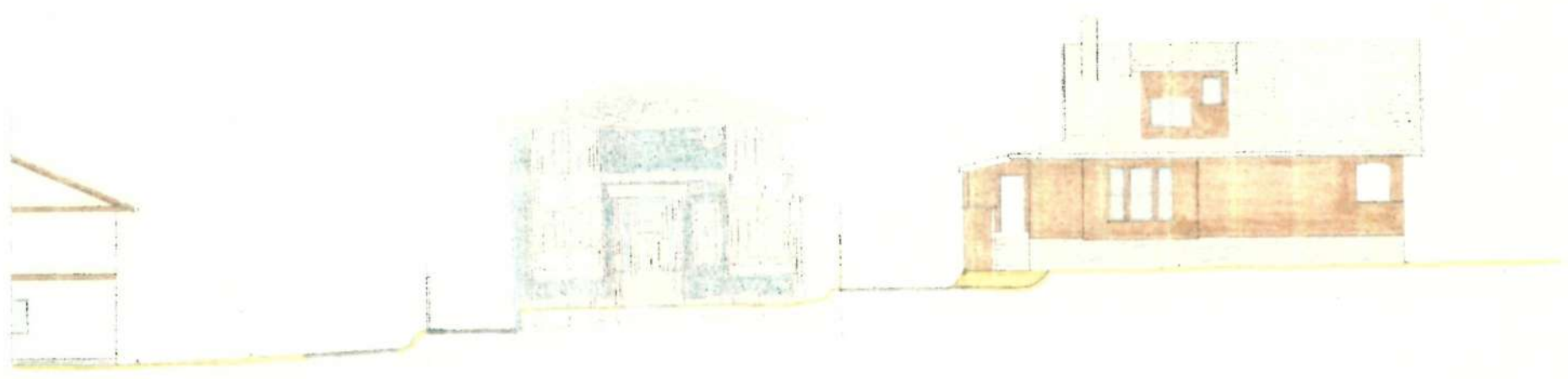
Date

Yaojean Huang
Signature

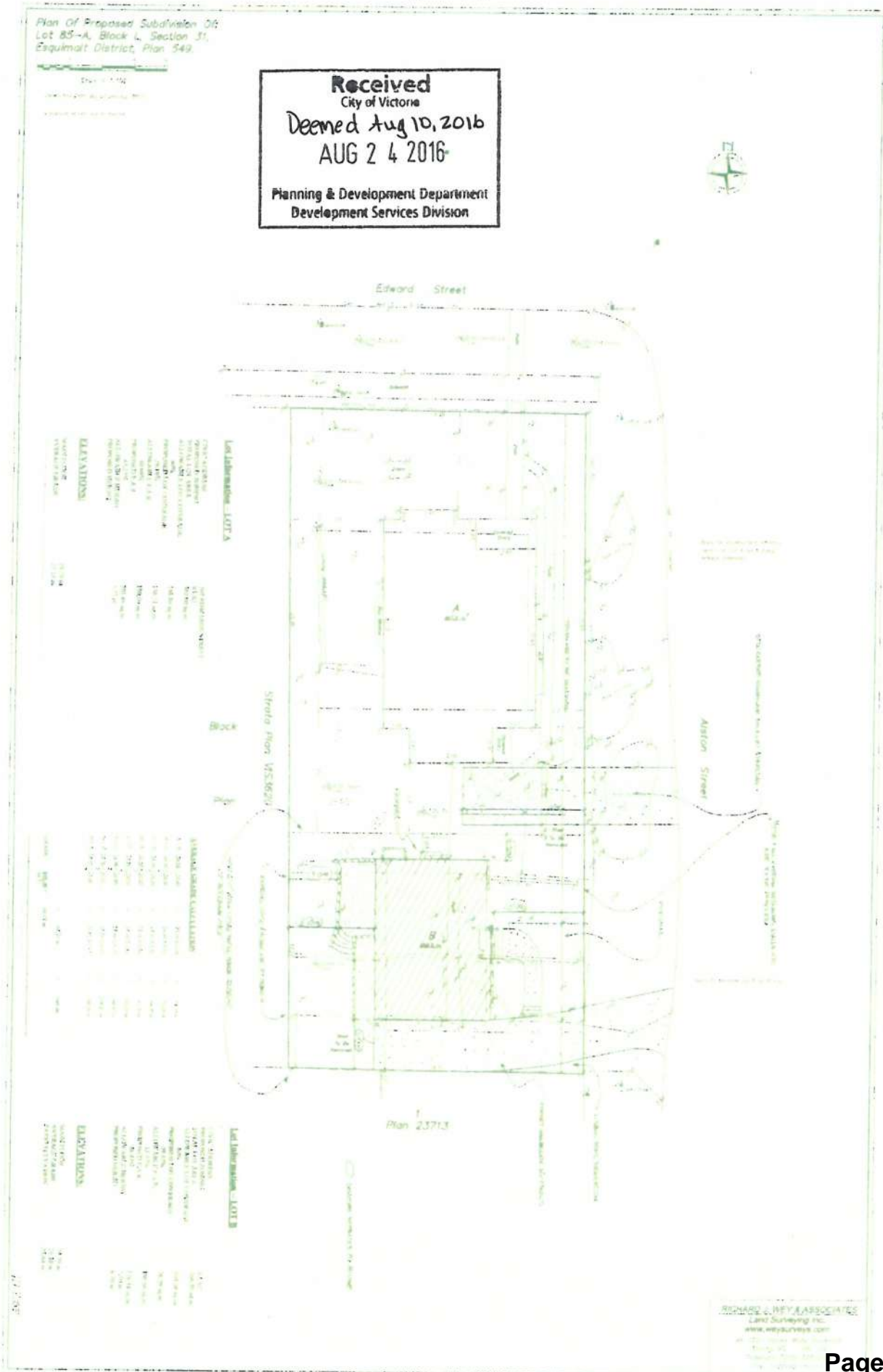
Received
City of Victoria

AUG 10 2016

Planning & Development Department
Development Services Division



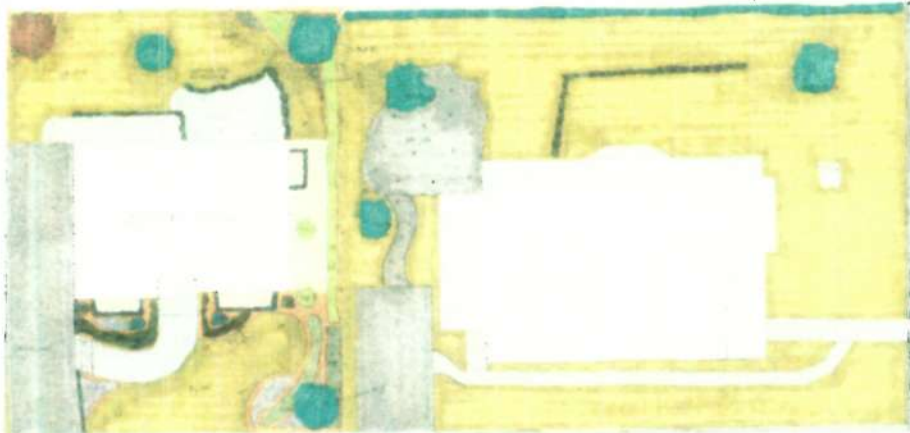
MESA PROJECT INFORMATION		MESA PROJECT NUMBER	
DATE: 10/10/2016		PROJECT NAME: 10000000	
DRAWING NO: 10000000		DRAWING TITLE: 10000000	



Received
City of Victoria

AUG 10 2016

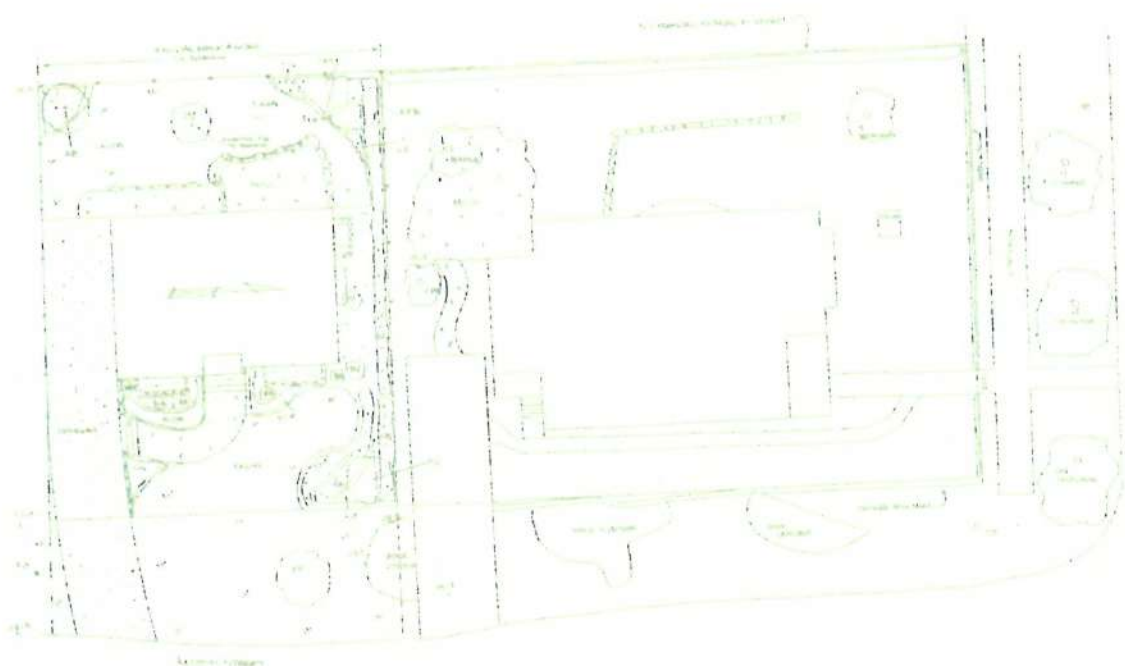
Planning & Development Department
Development Services Division



PROPOSED DEVELOPMENT		
1.00	Proposed Development	1.00
2.00	Proposed Development	2.00
3.00	Proposed Development	3.00
4.00	Proposed Development	4.00
5.00	Proposed Development	5.00
6.00	Proposed Development	6.00
7.00	Proposed Development	7.00
8.00	Proposed Development	8.00
9.00	Proposed Development	9.00
10.00	Proposed Development	10.00
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99.00	Proposed Development	99.00
100.00	Proposed Development	100.00

T-SQUARE

CITY OF VICTORIA
RECEIVED **DEEMED**
AUG 24 2016 **AUG 10 2016**



Legend

1.00	Proposed Building Footprint	1.00	Proposed Building Footprint
2.00	Proposed Building Footprint	2.00	Proposed Building Footprint
3.00	Proposed Building Footprint	3.00	Proposed Building Footprint
4.00	Proposed Building Footprint	4.00	Proposed Building Footprint
5.00	Proposed Building Footprint	5.00	Proposed Building Footprint
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9.00	Proposed Building Footprint	9.00	Proposed Building Footprint
10.00	Proposed Building Footprint	10.00	Proposed Building Footprint
11.00	Proposed Building Footprint	11.00	Proposed Building Footprint
12.00	Proposed Building Footprint	12.00	Proposed Building Footprint

Notes

1. The proposed building footprint is shown in green.
2. The proposed building footprint is shown in green.
3. The proposed building footprint is shown in green.
4. The proposed building footprint is shown in green.
5. The proposed building footprint is shown in green.
6. The proposed building footprint is shown in green.
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10. The proposed building footprint is shown in green.
11. The proposed building footprint is shown in green.
12. The proposed building footprint is shown in green.

T-SQUARE	T-SQUARE
T-SQUARE	T-SQUARE
T-SQUARE	T-SQUARE
T-SQUARE	T-SQUARE

RECEIVED

DEE

AUG 24 2016

AUG 10 2016

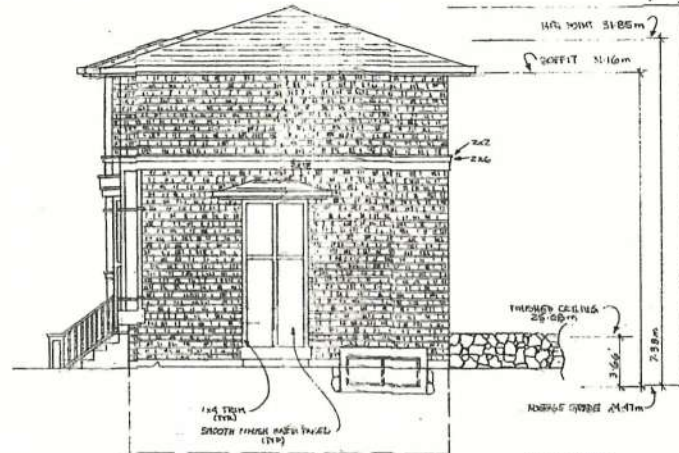
Received
City of Victoria

AUG 10 2016

Planning & Development Department
Development Services Division



FRONT ELEVATION
1/4" = 1'-0"

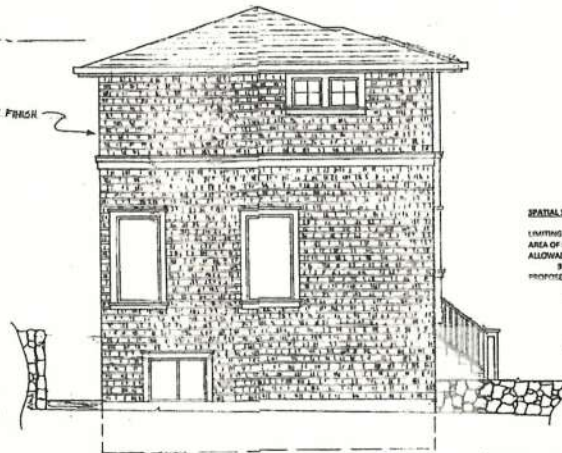


SIDE (NORTH) ELEVATION
1/4" = 1'-0"

SPATIAL SEPARATIONS:	
EXISTING DISTANCE	1.50 m
AREA OF EXPOSED BUILDING FACE	40.75 sq. m
ALLOWABLE UNPROTECTED OPENINGS	
9.00 sq. m. x 1.00	3.26 sq. m
PROPOSED UNPROTECTED OPENINGS	0.30 sq. m



REAR ELEVATION
1/4" = 1'-0"



SIDE (SOUTH) ELEVATION
1/4" = 1'-0"

SPATIAL SEPARATIONS:	
EXISTING DISTANCE	3.00 m
AREA OF EXPOSED BUILDING FACE	49.65 sq. m
ALLOWABLE UNPROTECTED OPENINGS	
9.00 sq. m. x 1.00	9.31 sq. m
PROPOSED UNPROTECTED OPENINGS	5.30 sq. m

MR GIUSEPPE MARTINO

T-SQUARE

T-SQUARE Design & Consulting
2850 Lakeshore Drive, Victoria, BC V8S 2B7
DATE: 25/08/16
SCALE: AS SHOWN
DRAWING No: 117-1

3. CONSENT AGENDA

3.1 Development Variance Permit Application No. 00175 for 56 Gorge Road East

Committee received a report dated August 25, 2016, from the Director of Sustainable Planning and Community Development regarding an application to install a secondary suite in an existing single family dwelling.

- Motion:** It was moved by Councillor Alto, seconded by Councillor Lucas, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:
- "That Council authorize the issuance of Development Variance Permit Application No. 00175 for 56 Gorge Road East, in accordance with:
1. Plans date stamped August 22, 2016
 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule J, Secondary Suite Regulations, Exterior Changes, increase the maximum enclosed floor area added within 5 years of installing a secondary suite from 20m² to 206.64m²
 3. A 4.92m statutory right-of-way registered on title as per the plans date stamped August 22, 2016
 4. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 16/COTW

Committee of the Whole Minutes – September 8, 2016

REPORTS OF COMMITTEES

1. Committee of the Whole – September 8, 2016

3. Development Variance Permit Application No. 00175 for 56 Gorge Road East

It was moved by Councillor Isitt, seconded by Councillor Alto, that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00175 for 56 Gorge Road East, in accordance with:

1. Plans date stamped August 22, 2016
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule J, Secondary Suite Regulations, Exterior Changes, increase the maximum enclosed floor area added within 5 years of installing a secondary suite from 20m² to 206.64m²
 - ii. A 4.92m statutory right-of-way registered on title as per the plans date stamped August 22, 2016
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously



Committee of the Whole Report For the Meeting of September 8, 2016

To: Committee of the Whole **Date:** August 25, 2016
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Development Variance Permit Application No. 00175 for 56 Gorge Road East

RECOMMENDATION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00175 for 56 Gorge Road East, in accordance with:

1. Plans date stamped August 22, 2016
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule J, Secondary Suite Regulations, Exterior Changes, increase the maximum enclosed floor area added within 5 years of installing a secondary suite from 20m² to 206.64m²
3. A 4.92m statutory right-of-way registered on title as per the plans date stamped August 22, 2016
4. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 56 Gorge Road East. The proposal is to add a secondary suite to an existing single family dwelling. The variance is for an increase in the maximum floor area added to a building within five years of installing a secondary suite from 20m² to 206.64m².

The following points were considered in assessing this Application:

- the proposed addition to the existing building is 206.64m² of floor area; however, the secondary suite will be within the existing lower level portion of the building, with the new floor area being used as the primary residence
- the combined floor area of the house does not exceed the maximum allowed in the R1-B zone (maximum is 420m²) and no other variances are required
- the proposal is generally consistent with the *Secondary Suite Design Guidelines*
- the proposed addition is on the rear portion of the building and will have a minimal visual impact from the street while also retaining the usability of the rear yard
- the applicant has offered to grant the City a 4.92m right-of-way dedication along Gorge Road East.

BACKGROUND

Description of Proposal

The proposal is to install a secondary suite in an existing single family dwelling. Specific details include:

- The proposed changes to the exterior of the dwelling include a two floor level (one storey and basement) addition to the rear of the building.
- The proposed siding for the new addition is horizontal vinyl panelling, while the stucco will be maintained on the existing front portion of the building. The stucco finish is consistent with the neighbouring houses and the character of the existing building.
- The main entrance to the suite is on the south elevation, which would have private outdoor space screened by fencing and an entry gate. An existing path provides access from the street.
- An existing garage and carport would be removed, and one required off-street parking stall would move from the rear carport to the north side of the house.

The proposed variance is related to the Secondary Suite Regulations (Schedule J), restricting an extension to an existing building to 20m² of enclosed floor area to allow for the installation of a secondary suite. The request is for an addition of 206.64m².

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this proposal.

Public Realm Improvements

The subject property is located on Gorge Road East, which is classified as an arterial street. The existing right-of-way width does not meet the 30m standard for the classification. To assist in securing this width, a 4.92m roadway dedication is requested along the Gorge Road frontage. This requested right-of-way would be used to create a future enhanced pedestrian sidewalk, treed boulevard and protected bike lanes consistent with policies and objectives contained within the OCP, and Pedestrian and Bicycle Master Plans. The applicant has offered to grant the requested easement provided that they are able to complete construction.

Existing Site Development and Development Potential

The site is presently zoned R1-B, Single Family Dwelling District. As per this zone, because the lot exceeds 669m², the allowable total floor area of all floor areas combined is 420m². A secondary suite is a permitted use. Under the R1-B zone, the property could be developed as a new single family dwelling with a secondary suite with the same floor area as the current proposal.

Data Table

The following data table compares the proposal with the existing R1-B Zone. An asterisk (*) is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard R1-B Zone
Site area (m ²) - minimum	739	460
Total floor area (m ²) - maximum	407.36 (increased from 200.72)	420
Added floor area (within 5 years of installing a secondary suite) - maximum	206.64*	20
Suite floor area (m ²) - maximum	62.48	90
Suite to total floor area ratio (%) - maximum	15.34	40
Height (m) - maximum	4.66	7.6
Storeys - maximum	1	2
Basement	Yes	Permitted
Site coverage % - maximum	33.90	40
Setbacks (m) - minimum		
Front (Gorge Road East)	6.67 (<i>existing non-conforming</i>)	7.50
Rear	11.98	11.90
Side (East)	1.95	1.56
Side (West)	3.00	3.00
Parking - minimum	1	1

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on June 23, 2016, the Application was referred for a 30-day comment period to the Burnside-Gorge CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes a variance; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variance.

ANALYSIS

Regulatory Considerations

Schedule J, Regulations for Secondary Suites, includes regulations intended to ensure changes to a dwelling represent gradual infill within the neighbourhood. With respect to exterior changes, the extension to an existing building to allow a secondary suite is limited to an additional 20m² of enclosed floor area. However, the same proposed plans could be built without variances or Council approval if the existing home was demolished and rebuilt as a new single family dwelling with a secondary suite. Additionally, since the addition is located at the rear of the house, it will have minimal impact on how the property is viewed from the street.

Design Considerations

The proposal generally meets the *Secondary Suite Design Guidelines*. The suite will have a separate entrance along the side of the building accessed by a dedicated pathway leading from the sidewalk. A private outdoor space has been provided at the suite entryway, which includes privacy screening from the street and the principle residence.

The existing portion of the building, located in the front half of the property, will undergo minor changes consisting of new and adjusted windows and a new side door. The stucco siding will be retained, which is consistent with the character of the building and streetscape. The siding materials for the addition will be horizontal vinyl siding. Using the stucco on the new addition was not feasible. This contrast in siding materials is not consistent with the *Secondary Suite Design Guidelines* to provide a seamless transition between the existing and proposed portions of the building. Given the minimal impact from the street, and the character defining quality of the stucco, the change in siding materials is recommended as supportable over the alternative of replacing the stucco with vinyl in order to create consistency in siding.

CONCLUSIONS

The creation of a secondary suite in an existing single family dwelling is consistent with City policy. The proposed addition would have minimal visual impact on the streetscape, can be sited to maintain a functional rear yard and would meet the standard setback requirements. The applicant has agreed to provide a statutory right-of-way along Gorge Road East to the benefit of the City. Staff recommend for Committee's consideration that the Application advance through the process and an opportunity for public comment at a meeting of Council be scheduled.

ALTERNATE MOTION

That Council decline Development Variance Application No. 00175 for the property located at 56 Gorge Road East.

Respectfully submitted,



Chloe Tunis
Planning Technician
Development Services Division




Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

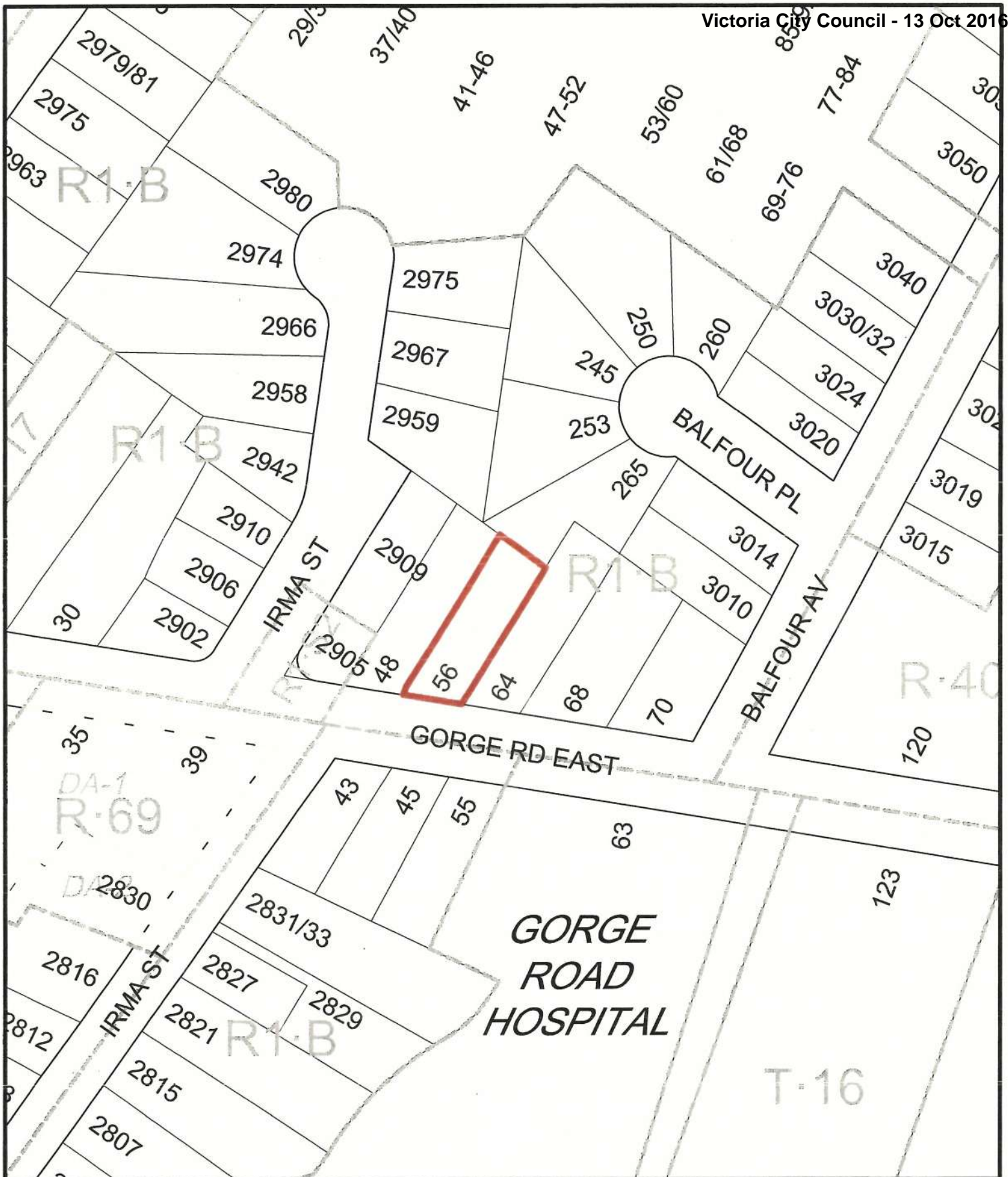
Report accepted and recommended by the City Manager:



Date: August 30, 2016

List of Attachments

- Zoning map
- Aerial map
- Letter from applicant to Council date stamped August 23, 2016
- Plans date stamped August 22, 2016.



56 Gorge Road East
Development Variance Permit #00175



To Mayor & Council.

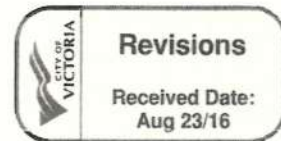
We are applying for a variance on the square footage allowance for the secondary suite for an addition / renovation on an existing residence @ 56 Gorge Rd. We have a large extended family and we have designed the present home to accommodate our needs. This proposed addition / renovation is greater than the 20 sq.m. max. allowance when adding a legal suite in an existing residence if one was to apply for permit in less than 5 years from initial permit application.

We feel we have a hardship in our case as the existing lower floor of the present house does not have a ceiling height of 2.1M. After talking to one of the city's building officials it was confirmed to us that we could not apply for a building permit to develop the existing lower floor area for this reason. However the building official did suggest to us that because we could meet the 2.0m. ceiling height in the existing lower floor we could develop it as a secondary suite as stated in the present building code. Our initial design had a suite in the lower floor of the addition but we had to redesign our plans and place the suite in the existing lower floor area in order to utilize this area by permit. This is the reason why we are applying for the variance now while construction of the new addition is underway rather than to wait 5 years to apply for a building permit to develop the existing lower floor area.

We feel our suite proposal would meet all the conditions set by the city's guidelines. The existing house finish is dated stucco, however we would like to use new vinyl siding as a finish for the proposed exterior facade to give the the project a new look plus keep the cost of this project in control.

It was also brought to our attention that the Engineering Dept. is asking for a 4.92 SRW for future street enhancement in the front of our lot. We will agree to have this registered on our lot prior to our application for development application with the understanding that if at the time either our Variance permit or Building permit is applied for and not granted the registered SRW will be removed from title.

Yours Truly
Mrs. Manju Nehra



To Mayor & Council.

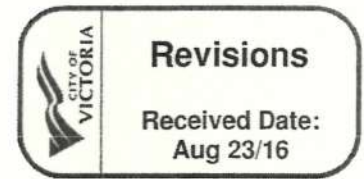
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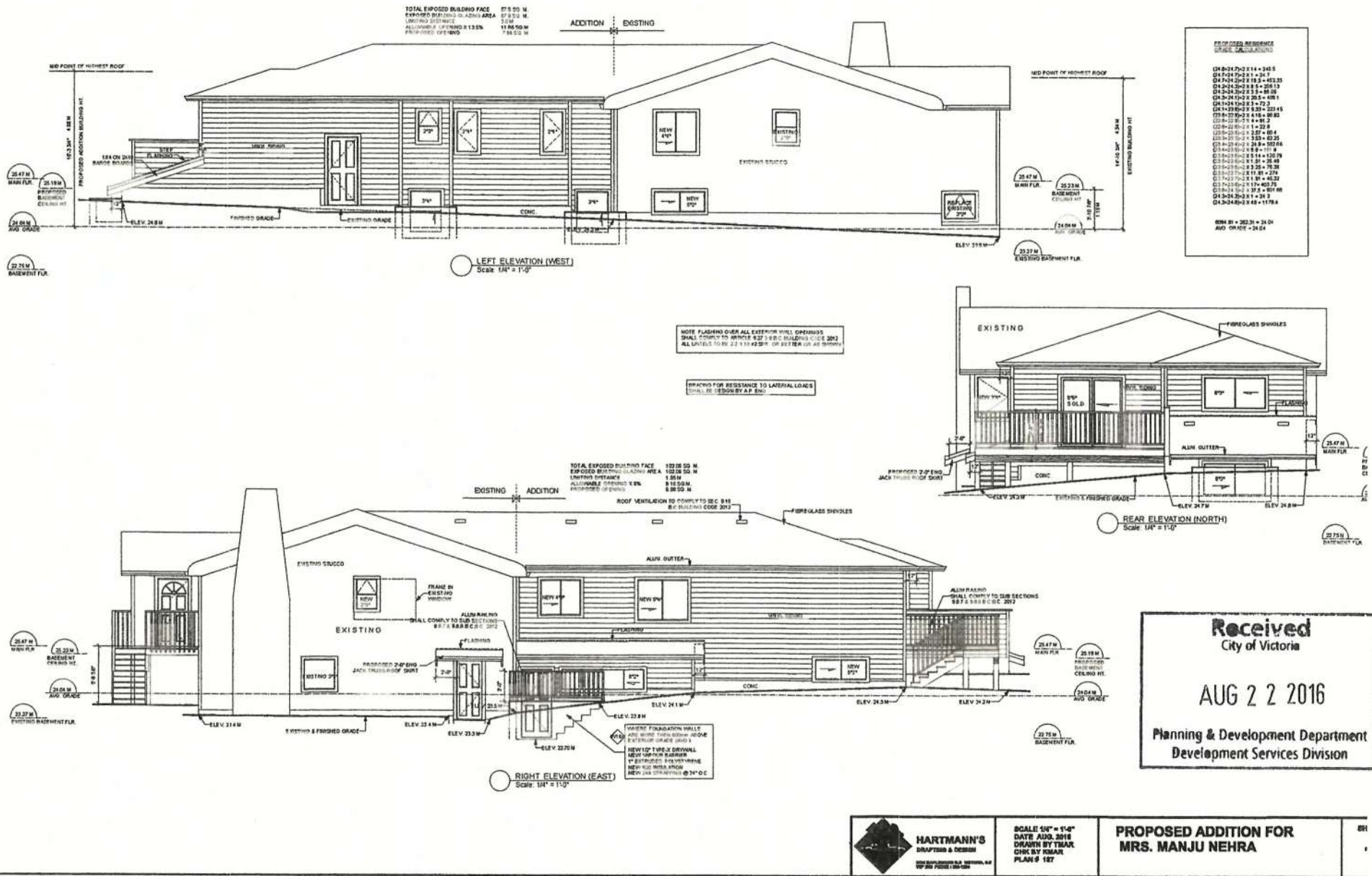
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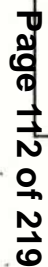
Yours Truly
Mrs. Manju Nehra

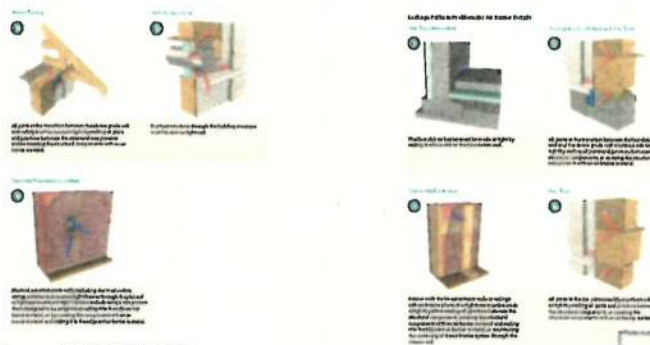
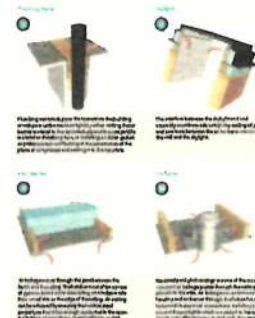
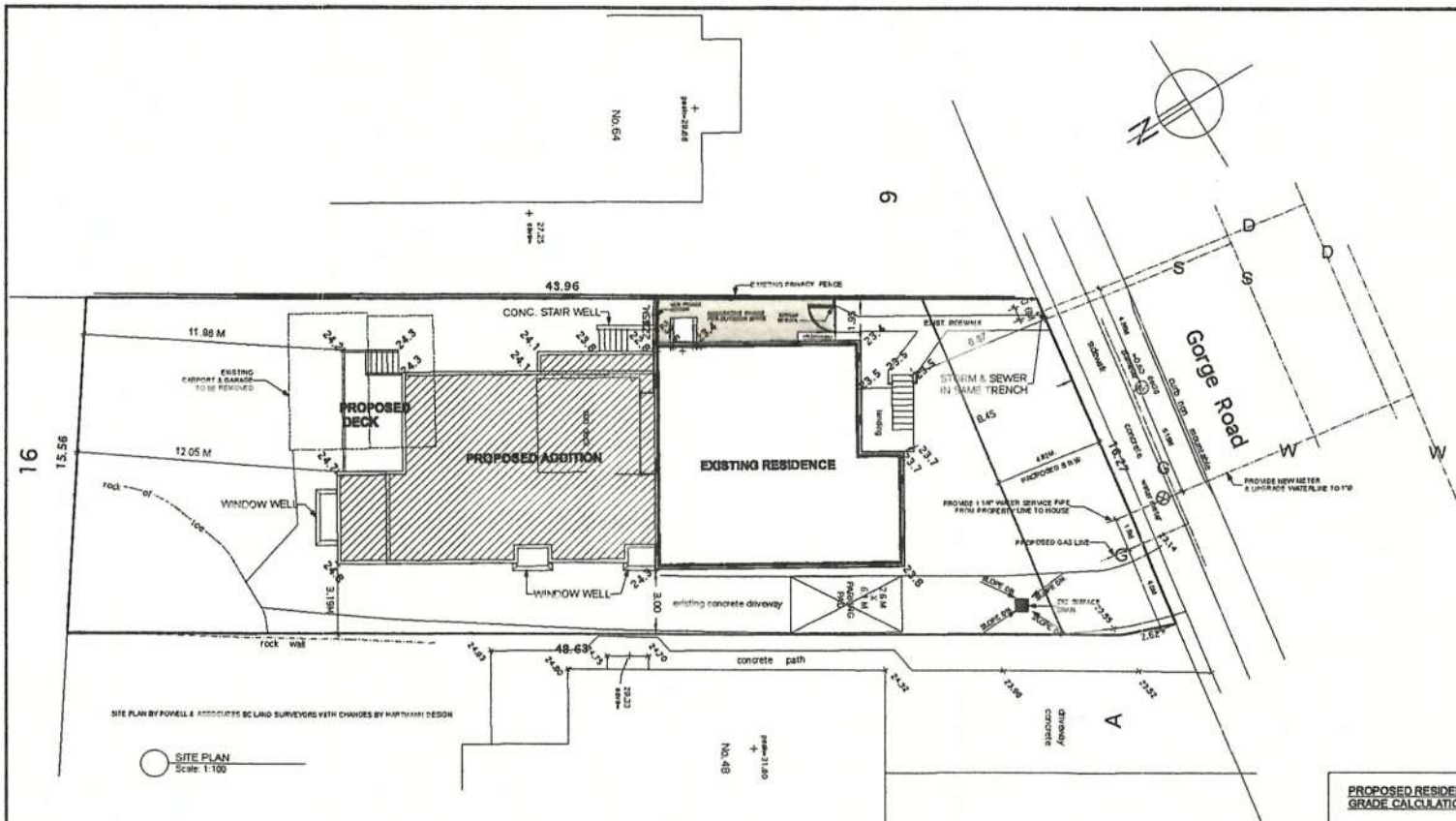






Planning & Development Department
Development Services Division





SITE DATA	
ADDRESS	56 GORGE ROAD
ZONE	R1-B ZONING
LEGAL DESCRIPTION	
LOT	B
PLAN	VIP54065
SECTION	10
DISTRICT	VICTORIA
RANGE	
SITE AREA	7854.53 SQ.FT. (739 SQ.M.)
EXISTING SITE COVERAGE	1263.965 SQ.FT. (117.42 SQ.M.) 16.0%
PROPOSED SITE COVERAGE	1440.472 SQ.FT. (133.82 SQ.M.) 18.1%
TOTAL SITE COVERAGE	2704.438 SQ.FT. (251.28 SQ.M.) 33.9%
EXISTING FLOOR AREA	2100.523 SQ.FT. (200.71 SQ.M.)
PROPOSED FLOOR AREA	2224.198 SQ.FT. (206.63 SQ.M.)
TOTAL FLOOR AREA	4324.722 SQ.FT. (407.35 SQ.M.) 55.1%
SETBACKS	
FRONT	8.54 M
REAR	11.98 M
SIDE	3.0 M
SIDE	1.95 M
PROPOSED ADDITION HEIGHT	15'-3 3/4" 4.66M
EXISTING HEIGHT	14'-10 3/4" 4.54M
SECONDARY SITE AREA	672.643 SQ.FT. 15.3%

PROPOSED RESIDENCE GRADE CALCULATIONS	
(24.8+24.7)-2 X 14 = 346.5	
(24.7+24.7)-2 X 1 = 24.7	
(24.7+24.2)-2 X 18.5 = 452.33	
(24.2+24.3)-2 X 8.5 = 206.13	
(24.3+24.3)-2 X 3.5 = 85.05	
(24.3+24.1)-2 X 20.5 = 496.1	
(24.1+24.1)-2 X 3 = 72.3	
(24.1+23.8)-2 X 9.33 = 223.45	
(23.8+22.8)-2 X 4.16 = 96.93	
(22.8+22.8)-2 X 1 = 22.8	
(23.5+23.5)-2 X 2.57 = 80.4	
(23.3+23.3)-2 X 3.53 = 82.25	
(23.4+23.4)-2 X 24.9 = 502.66	
(23.4+23.5)-2 X 6.9 = 161.6	
(23.5+23.5)-2 X 5.14 = 120.79	
(23.5+23.5)-2 X 1.51 = 35.49	
(23.5+23.5)-2 X 3.25 = 76.38	
(23.5+23.7)-2 X 11.61 = 274	
(23.7+23.7)-2 X 1.91 = 45.32	
(23.7+23.8)-2 X 17.40375 = 76.38	
(23.8+24.3)-2 X 37.5 = 901.88	
(24.3+24.3)-2 X 1 = 24.3	
(24.3+24.8)-2 X 48 = 1178.4	
6064.91 + 252.31 = 24.04	
AVG. GRADE = 24.04	



Received
City of Victoria

AUG 22 2016

Planning & Development Department
Development Services Division



HARTMANN'S
DRAFTING & DESIGN

SCALE 1/4" = 1'-0"
DATE AUG. 2016
DRAWN BY T.M.A.R.
CHK BY K.M.A.R.
PLAN # 187

PROPOSED ADDITION FOR
MRS. MANJU NEHRA





July 27, 2016

Dear Mayor and Council,

Re: **Development Variance Permit for 56 Gorge Road East**

The Burnside Gorge Land Use Committee (BGLUC) wishes to provide feedback on the application for a development variance permit for 56 Gorge Road East, as notified by email on June 23, 2016.

While the BGLUC does not support or oppose specific projects, our committee was surprised to learn that the requested variance (206.64 m²) is for a 1000% increase in the allowed addition of floor space (20 m²) during the construction of a secondary suite. This appears beyond the reasonable scope of latitude normally intended for a variance request.

The proposed additional floor space being added is larger than the existing house itself and is equivalent to the square footage of an average house. Therefore, it is our opinion that this proposed project actually entails the transformation of a single-family dwelling into a duplex. We suggest that this variance request be rejected and that the proponent be required to submit a re-zoning application for R2 zoning instead.

In addition, the first lines of the City of Victoria's Development Variance Permit Application Package read:

When do I need a Development Variance Permit?

- If my proposed development does not meet the standards set out in the Zoning Regulation Bylaw on matters that are not related to density or land use, and

This application clearly doubles the density on the lot and changes the land use from a single-family dwelling to a duplex and does not fit the intent of a variance request.

Thank you for the opportunity to comment and for considering our feedback on the application.

Respectfully,

Carolyn Gisborne
Chair, Burnside Gorge Land Use Committee

cc: Sustainable Planning and Community Development Department



Council Report

For the Meeting of October 13, 2016

To: Council **Date:** September 22, 2016

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: **Update Report for Rezoning Application No. 00493 and Development Permit with Variances Application No. 000441 for 1016 Southgate Street**

RECOMMENDATION

That Council replace the previous motion from the Committee of the Whole meeting of July 21, 2016 with the following motion (variances updated to reflect the new zone):

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00493, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Permit for Application No. 000441 for 1016 Southgate Street, in accordance with:

1. Plans date stamped June 21, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. increase the site coverage from 33% to 38.70%;
 - ii. reduce the minimum site area from 920m² to 668.50m²;
 - iii. reduce the minimum required front yard setback from 7.50m to 5.67m;
 - iv. reduce the east side yard setback from 3m to 1.09m for the bike storage locker;
 - v. reduce the west side yard setback from 3m to 1.09m for the bike storage locker;
 - vi. reduce the front yard projection setback for the steps from 3m to 2.34m;
 - vii. required residential parking reduced from 1.2 spaces per dwelling unit to 1 space per dwelling unit;
 - viii. Schedule C, Section 7.2(b) – reduce the distance of an off-street parking space from the street boundary (rear lane) from 1.0m to 0.64m;
 - ix. Schedule C, Section 7.2(h) – reduce the landscape strip along the side yard from 0.60m to 0.50m;
 - x. Schedule F, Section 4(d) – reduce the separation space between an accessory building and the principal building from 2.40m to 1.37m.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff;
4. The Development Permit lapsing two years from the date of this resolution."

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that, in accordance with Council's motion of July 21, 2016, the necessary Zoning Regulation Bylaw Amendment that would authorize Rezoning Application No. 00493 (and concurrent Development Permit Application No. 000441) for the property located at 1016 Southgate Street has been prepared. With regard to the preconditions that Council set in relation to these Applications, staff can report that legal agreements have been completed to secure a Statutory Right-of-Way of 3.35m along the Southgate Street frontage and 0.64m for the rear lane access along Harling Lane, and to ensure that future strata bylaws cannot prohibit owners from renting residential strata units. Additionally, one typographical error from the previous motion has been corrected to clarify the site area is proposed to be reduced from 920m² to 668.50m², not 920m² to 678m².

BACKGROUND

The proposal is to construct a three-storey multi-unit residential building containing six units.

In the report presented to Committee of the Whole on July 21, 2016, side yard setback variances were identified for the principle building (a reduction from 5.20m to 3.04m). This variance was a result of utilizing the R3-A1 Zone (Low Profile Multiple Dwelling District) as a comparable base zone. In the creation of the new zone, this regulation has been simplified to eliminate the requirement for side yard setback to be one half the building's height. A minimum setback of 3m is included in the new zone which the principle building complies with. The motion has been updated to remove this variance and to correct a typographical error.

Respectfully submitted,



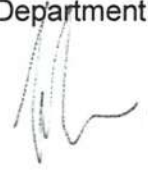
Charlotte Wain
Senior Planner – Urban Design
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department



Report accepted and recommended by the City Manager:



Date: October 5, 2016

Minister of Justice
and Attorney General of Canada



Ministre de la Justice
et procureur général du Canada

The Honourable / L'honorable Jody Wilson-Raybould, P.C., Q.C., M.P. / c.p., c.r., députée
Ottawa, Canada K1A 0H8

MAYOR'S OFFICE

SEP 23 2016

VICTORIA, B.C.

SEP 14 2016

Mayor Lisa Helps
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps:

Thank you for your correspondence, dated April 27, 2016, in which you have expressed the City of Victoria's support for a national conversation on a Basic Income Guarantee. I apologize for the delay in responding.

As you may know, Minister Duclos, Minister of Families, Children, and Social Development, and Minister Mihychuk, Minister of Employment, Workforce Development and Labour, are the lead Ministers with respect to a federal strategy for poverty reduction. As a dialogue on Basic Income Guarantee may fall under this initiative, I have taken the liberty sharing a copy of your correspondence for their consideration.

Respectfully,

The Honourable Jody Wilson Raybould

c.c.: Honourable Jean-Yves Duclos, Minister of Families, Children, and Social Development; Honourable MaryAnn Mihychuk, Minister of Employment, Workforce Development, and Labour

September 7, 2016

Lisa Helps, Mayor
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

MAYOR'S OFFICE

SEP 08 2016

VICTORIA, B.C.

Dear Lisa Helps,

Re: Another Opportunity to Have Your Say in Canada Post Review

I am following up on our June 6th correspondence about the Canada Post Review to provide you with additional information on phase 2 of the review.

This fall, a parliamentary committee will be consulting with Canadians on postal service and the options identified by a task force in phase 1. The committee will make recommendations to the government by year's end. The government expects to announce its decisions about Canada Post in the spring of 2017.

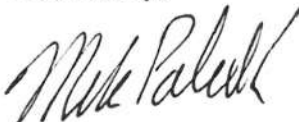
You may be interested to know that the options identified by the task force include major changes to the moratorium on post office closures in rural and small towns. The task force suggests "updating" or "refreshing" the moratorium. It outlines the cost savings that could be achieved by converting to franchises or closing all corporate outlets, or only the 800 highest yielding offices. You can see the full task force discussion paper at <http://www.tpsgc-pwgsc.gc.ca/examendepostescanada-canadapostreview/rapport-report/consult-eng.html>

CUPW would like to ensure that the views of municipalities are considered during each stage of the Canada Post Review. Therefore, we are urging you to fill out the parliamentary committee's online survey from September 26 to October 21 at parl.gc.ca/OGGO-e and encourage residents to do likewise. During this time, paper surveys will be available upon request. The committee will also hold public consultations across the country.

The union has attached information on how to provide input in phase 2, as well as a new resolution for your consideration. You can learn more about the review by going to CUPW.ca/canadapostreview and Canada.ca/canadapostreview

Thank you for taking the time to read this letter and anything you can do to help us convince the parliamentary committee to recommend against further cuts at Canada Post in favour of building a 21st century post office that expands services, generates revenues and meets the needs of Canadians.

In solidarity,



Mike Palecek
National President

c.c. National Executive Committee, Regional Executive Committees, National Union Representatives, Regional Union Representatives, Specialists, Campaign Coordinators, Negotiators

/bk cope 225

Public review on future of Canada Post

Whereas Canada Post announced drastic cutbacks to our public postal service in December 2013, including plans to end home mail delivery in our country.

Whereas there was a huge public outcry in response to the cutbacks and stiff opposition from most federal parties, including the Liberal Party, which promised to halt the delivery cuts and conduct a review of Canada Post, if elected.

Whereas the delivery cuts were halted and our Liberal government is currently conducting a Canada Post Review, which started earlier this year with an independent task force to identify options for the future of postal service in this country.

Whereas a parliamentary committee will hold e-consultations and meetings in various locations across the country on postal service and the options that have been identified by the task force and then make recommendations to the government on the future of Canada Post.

Whereas it will be crucial for the parliamentary committee to hear our views on key issues, including the importance of maintaining the moratorium on post office closures, improving the Canadian Postal Service Charter, adding postal banking, greening Canada Post, keeping decent post office jobs in our communities, preserving daily delivery, restoring home mail delivery, developing services that help older Canadians remain in their homes and providing services that assist people with disabilities,

Therefore be it resolved that (name of municipality) 1) Fill out the parliamentary committee's on line survey about Canada Post from September 26 to October 21 at parl.gc.ca/OGGO-e and encourage residents to do likewise 2) Attend the public consultations being held across the country

/bk cope 225

Have your say!

1) Fill out the parliamentary committee's on line survey from September 26 to October 21 at: parl.gc.ca/OGGO-e. During this time, you can also request a paper version of the survey by phoning 613-995-9469 or writing to Standing Committee on Government Operations and Estimates, Sixth Floor, 131 Queen Street, House of Commons, Ottawa, Ontario, K1A 0A6 Canada.

2) Attend one of the public consultations being held across the country. For more information, go to:

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=e&Mode=1&Parl=0&Ses=0&DocId=8391013> (Note: Information on western and northern locations to come)

You can get information on the process and key issues in the weeks to come at CUPW.ca/canadapostreview.

What to say

Let the committee know what your key issues are:

- Getting your home mail delivery back?
- Keeping your public post office?
- Greening the post office?
- Creating services that support seniors and people with disabilities?
- Bringing back our postal bank for more inclusive, accessible financial services for everyone?

List of locations to be visited by the parliamentary committee:

Corner Brook and St. John's, Newfoundland
Sydney and Halifax, Nova Scotia
Charlottetown, Prince Edward Island
Bathurst, New Brunswick
Levis, Quebec City, Blainville and Montreal, Quebec
Toronto, Kitchener, Windsor, Dryden, and Sandy Lake First Nation, Ontario
(Following locations to be confirmed)
Surrey, British Columbia
Edmonton and Calgary, Alberta
Yellowknife, Northwest Territories
Regina and Moose Jaw, Saskatchewan
Winnipeg, Manitoba

Please share your input with us at Feedback@cupw-sttp.org or mail to Mike Palecek, President, Canadian Union of Postal Workers, 377 Bank Street, Ottawa, Ontario, K2P 1Y3



Vancouver Island South Film & Media Commission

MAYOR'S OFFICE

SEP 27 2016

VICTORIA, B.C.

Board of Directors

September 20, 2016

Executive

Annie Wong- Harrison
President

Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Paul Rayman
Vice President

Dear Mayor Helps and Council,

Cathy Scott
Secretary

On behalf of the Vancouver Island South Film and Media Commission, I would like to send our sincere appreciation for your support of our efforts.

Albert Zalazar
Treasurer

Your Strategic Plan Grant contribution supports a local film industry that has generated more than \$165-million in direct spending in the Greater Victoria economy in the last ten years. Your support allows us to promote the CRD as an international filming destination and attract film and TV productions to the CRD.

Directors

Barbara Coultish
Karen Elgersma
Miranda Ji
Edison Kahakauwila
Don Enright
Donna Petrie
Beverly Booth
Melinda Harris

The work of the Film and Media Commission generates jobs for local film crew, allowing them to live and spend income in our regional economy. Film dollars spent by local and foreign crews support a wide range of businesses throughout the CRD including accommodations, airlines, vehicle rentals, taxis, equipment rentals, locations, parking facilities, restaurants, caterers, print services and so much more.

Our work at the Film and Media Commission is dependent on the continued support of the City of Victoria. Without your assistance our ability to serve the community would be greatly limited.

We value your partnership and look forward to working together in the year ahead to attract domestic and international film and television productions and foster a thriving local industry in Victoria.

Sincerely,

Kathleen Gilbert
Film Commissioner

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD OCTOBER 6, 2016

For the Council Meeting of October 13, 2016, the Committee recommends the following:

1. Cyril Close Local Service Area Parcel Tax Imposition

That Council establish the Parcel Tax Review Panel to be comprised of all members of council, and that any complaints on the Parcel Tax Roll be heard at the November 3, 2016 Committee of the Whole meeting.

2. a. Rezoning Application No. 00517 for 115 Moss Street (Fairfield-Gonzales)

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00517 for 115 Moss Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

2. b. Development Permit with Variances Application No. 00517 for 115 Moss Street

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No.00517 if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 00517 for 115 Moss Street, in accordance with:

1. Plans date stamped July 27, 2016
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Part 1.23.3: reduce the lot width of Lot A and C from 10m to 9.89m;
 - ii. Part 1.23.8(c): reduce the side yard (north) setback of Lot B from 2.40m to 1.56m to allow for a habitable room with a window;
 - iii. Part 1.23.8(c): reduce the side yard (south) setback of Lot B from 2.40m to 1.56m to allow for a habitable room with a window;
 - iv. Schedule "C" Section 3 - permit one parking space to be located in the front yard of Lot B;
3. The Development Permit lapsing two years from the date of this resolution."

3. Submission of Input to National Housing Strategy

That Council direct staff to submit the Victoria Housing Strategy, 2016-2025, along with a covering document detailing recommendations for federal government involvement as outlined in this report, including the following recommendations, as the City's formal submission to the National Housing Strategy by the October 21, 2016 deadline:

- increase the share of non-market housing as a proportion of the total housing supply, and
- encourage the federal government to develop strategies for first time home buyers and affordable home ownership.

And that the cover letter include the following information:

- include funding for the National Housing Strategy in Budget 2017,

- create a National Housing Strategy that is flexible and funds locally developed solutions, and
- that the National Housing Strategy take into account the specific needs of First Nations individuals.

4. Letter from the Greater Victoria Harbour Authority

That Council direct staff to undertake a feasibility assessment leading to a possible financial partnership arrangement for the provision of the new public washroom facilities with the Greater Victoria Harbour Authority.

5. Update on City Skateboarding Regulations

That Council direct staff to:

1. Complete an additional focused engagement campaign throughout October 2016 to reinforce awareness against skateboarding on sidewalks;
2. Commence enforcement using both VicPD and Bylaw staff, on November 1, 2016;
3. Complete an additional dedicated engagement session regarding skateboarding regulations in the early spring 2017, to coincide with the opening of the new fully-protected bike facility on Pandora Avenue.

6. Reduced Speed Zones - Post-installation Monitoring

That Council direct staff to:

1. Retain, monitor and increase enforcement of the 40 km/h and 30 km/h speed zones;
2. Install speed-reader boards in strategic locations along the reduced speed zones, and implement a public awareness campaign to promote reduced speeds and provide cost estimates to Council during the 2017 Financial Planning process on the cost of acquiring a dedicated speed-reader board for each neighbourhood;
3. Provide an annual report to Council on collision statistics before in December 2016;
4. Continue to work alongside BC Transit to maximize transit performance throughout the reduced speed zones;
5. Continue to introduce speed control elements in future street designs for these and other required corridors; and
6. Provide Council with another annual update on the reduced speed zone performance, in October 2017.

7. Reserve Fund Target Balances

That Council direct staff to bring forward options to increase capital funding for Council's consideration during the 2017 financial planning process.

8. External Grant Review Committee - Evaluation Matrix

That Council approve the interim methodology for developing the matrix for the Strategic Plan Grants for 2017 as outlined in this report and direct staff to proceed with recruiting Committee members and implementing the Committee and Process for the 2017 pilot project.

9. Rosalie Village

Whereas creating affordable housing is one of Council's priorities,

And whereas, Rosalie Village have been able to show how the additional funds would assist this project and the issues of homelessness that affect our City and Region,

And whereas, Council previously reduced the amount provided because there was a belief that we would be contributing more than Saanich. Saanich has reduced DCC costs, given easement rights and will be giving annual tax exemptions.

And whereas as our Housing Trust Fund currently has 1.2 million and no proposals currently coming forward,

Therefore, it is moved that we increase our contribution to the amount originally recommended by staff which translates to \$125,000.00 being given to the Rosalie Village project.

10. Amendment to Cannabis-Related Business Regulation Bylaw to Enable Third Party ATM's

That Council direct staff to create an amendment to the Business Licence Regulation Bylaw to enable third party ATMs to operate in storefront cannabis retailers.

COMMITTEE OF THE WHOLE REPORT
FROM THE MEETING HELD OCTOBER 13, 2016

For the Council Meeting of October 13, 2016, the Committee recommends the following:

1. Work without permit – 1142 Caledonia Ave. / Bylaw File #42266

That Council direct the City Clerk to file a notice in the Land Title Office in relation to the property located at 1142 Caledonia Avenue, legally described as Lot 10 Suburban Lot 17 Victoria Plan 153 indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall, and indicate that this notice is in regard to the owner's fifth suite.

2. Work without permit – 1349 Grant Street / Bylaw File #48824

That Council direct the City Clerk to file a notice in the Land Title Office in relation to the property located at 1349 Grant Street, legally described as Lot 8 Plan 317A Section 75 Victoria indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the *Property Maintenance Delegation Bylaw*, and advise that further information regarding this resolution may be inspected at the Legislative & Regulatory Services Department in Victoria City Hall.

3. 2016 Regional Growth Strategy – Request for Feedback

That Council consider the proposed 2016 Regional Growth Strategy (CRD Bylaw 4017) and provide comments to the CRD confirming that the proposed 2016 Regional Growth Strategy (RGS) is consistent with the City of Victoria *Official Community Plan* objectives related to growth, environment, housing, transportation and economic development for consideration at the RGS public hearing scheduled for October 19, 2016.

That Council express its concern over incremental urban sprawl and loss of green space in the region particularly in the Juan de Fuca electoral area and that the CRD take action to strengthen urban containment.

4. Report Back to Council – City Provision of Mulch to Community Garden Operators

That Council consider a policy to authorize the distribution of mulch to the 15 existing gardens which includes the allocation of funds to cover labour at the budget meetings in late October.

5. Follow-up Actions – Naming Initiative for Begbie Green

That Council receive this updated report for information and confirm the name of the green space located at Begbie and Pembroke streets as *Begbie Green*.

6. Proposed motion referred from the October 6, 2016 Closed Council Meeting

1. That Council direct staff to cooperate with the Capital Regional District to engage owners of the private lands designated at "Railway Corridor" in Victoria West to complete the installation of the E & N Rail Trail from Esquimalt Road to Victoria Harbour as soon as practicable.
2. That Council direct staff to co-operate with the CRD in completing detailed design of the trail on the City owned land between Bayview property and the Galloping Goose Trail/Johnson Street Bridge and report back to Council.
3. That Council express its interest in further exploring the viability of commuter train service on the E&N corridor between Langford and Victoria as an inter-municipal service, or under Victoria Regional Transit Commission as a commuter train sub commission.

7. Updating the Street Vendors Bylaw to Permit Bicycle Street Vending

That Council refer the following resolution to the next Quarterly Strategic Plan Update and direct staff to report to Council at that update on the resource implications of the following action:

- (1) That Council approve the addition of the following 2017 Action to the Strategic Plan:
"Consolidate and update the Street Vendors Bylaw to permit the licensing, operations and regulation of responsible bicycle street vending in the City of Victoria."

8. Emergency Program Overview

That Council direct the City Manager to include an emergency management workshop at the beginning of each Council term.

That Council receive this report for information.



Council Report
For the Meeting of October 13, 2016

To: Council **Date:** October 6, 2016
From: C. Coates, City Clerk
Subject: Zoning Regulation Bylaw, Amendment Bylaw (No. 1073) No. 16-073

RECOMMENDATION

That Council consider first and second readings of Bylaw No. 16-073.

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 16-073.

The issue came before Council on July 28, 2016 where the following resolution was approved:

Rezoning Application No. 00493 for 1016 Southgate Street

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00493 for 1016 Southgate Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Coates".

Chris Coates
City Clerk

Report accepted and recommended by the City Manager:

A handwritten signature in black ink, appearing to be the signature of the City Manager.

Date: October 6, 2016

NO. 16-073

A BYLAW OF THE CITY OF VICTORIA

The purposes of this Bylaw are to amend the Zoning Regulation Bylaw by creating the R3-A1-SO Zone, Southgate Low Profile Multiple Dwelling District, and to rezone the land known as 1016 Southgate Street from the R-K Zone, Medium Density Attached Dwelling District, to the R3-A1-SO Zone, Southgate Low Profile Multiple Dwelling District.

The Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 1073)".
- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended in the Table of Contents of Schedule "B" under the caption PART 3.107 by adding the following words:

"3.107 R3-A1-SO Zone, Southgate Low Profile Multiple Dwelling District"
- 3 The Zoning Regulation Bylaw is also amended by adding to Schedule B after Part 3.107 the provisions contained in Schedule 1 of this Bylaw.
- 4 The land known as 1016 Southgate Street, legally described as Lot F, Fairfield Farm Estate, Victoria City, Plan 966 and shown hatched on the map attached to and forming part of this Bylaw as Appendix 1, is removed from the R-K Zone, Medium Density Attached Dwelling District, and placed in the R3-A1-SO Zone, Southgate Low Profile Multiple Dwelling District.

READ A FIRST TIME the	day of	2016
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READ A SECOND TIME the	day of	2016
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Public hearing held on the	day of	2016
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READ A THIRD TIME the	day of	2016
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ADOPTED on the	day of	2016
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CITY CLERK

MAYOR

Schedule 1

PART 3.107 – R3-A1-SO ZONE, SOUTHGATE LOW PROFILE MULTIPLE DWELLING DISTRICT**3.107.1 Permitted Uses in this Zone**

The following uses are the only uses permitted in this Zone:

- a. single family dwellings
- b. two family dwellings
- c. rest homes - class A
- d. rest homes - class B
- e. multiple dwellings
- f. multiple dwelling accessory uses
- g. public buildings
- h. home occupations subject to the regulations in Schedule “D”
- i. accessory buildings subject to the regulations in Schedule “F”

3.107.2 General

- a. If a lot is used as a single family dwelling:
 - i. the regulations in the R1-B Zone, Single Family Dwelling District apply; and
 - ii. the regulations set out in Parts 3.107.3 – 3.107.8 do not apply.
- b. If a lot is used as a two family dwelling or a public building:
 - i. the regulations in the R-2 Zone, Two Family Dwelling District apply; and
 - ii. the regulations set out in Parts 3.107.3 – 3.107.8 do not apply.

3.107.3 Lot Area

- a. Lot area (minimum) 920m²

3.107.4 Floor Area, Floor Space Ratio

- a. Floor space ratio (maximum) 0.86:1

3.107.5 Height, Storeys

- a. Principal building height (maximum) 10.5m
- b. Storeys (maximum) 3

Schedule 1

PART 3.107 – R3-A1-SO ZONE, SOUTHGATE LOW PROFILE MULTIPLE DWELLING DISTRICT**3.1076 Setbacks, Projections**

- a. Front yard setback (minimum) 7.5m

Except for the following maximum projections into the setback:


- Steps less than 1.7m in height 3m
 - porch 1.5m
- b. Rear yard setback (minimum) 9m
- c. Side yard setback from interior lot lines (minimum) 3m
- d. Any balcony or deck that faces a street boundary may project into a setback (maximum) 1.5m

3.107.7 Site Coverage, Open Site Space

- a. Site coverage (maximum) 33%
- b. Open site space (minimum) 30%

3.107.8 Vehicle and Bicycle Parking

- a. Vehicle parking (minimum) Subject to the regulations in Schedule “C” except as otherwise specified by the regulations in this Part
- b. Multiple dwelling (minimum) 1.2 space per self-contained dwelling unit
- c. Bicycle parking (minimum) Subject to the regulations in Schedule “C”



A circle with a black sector and a red square with diagonal lines.



HOUSING AGREEMENT
(Pursuant to Section 483 of the *Local Government Act*)

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, B.C. V8W 1P6
(the "City")

OF THE FIRST
PART

AND:

STACEY MCNEE DEWHURST

1016 Southgate Street
Victoria, B.C. V8V 2Z2
(the "Owner")

OF THE SECOND
PART

AND:

**COMPUTERSHARE TRUST COMPANY OF CANADA
(INCORP. NO. A-52313)**

c/o First national Financial LP
Suite 700, North Tower, 100 University Avenue
Toronto, O.N. M5J 2Y1

(as to priority)

OF THE THIRD
PART

WHEREAS

- A. Under section 483 of the *Local Government Act* the City may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;

-2-

- B. The Owner is the registered owner in fee simple of lands in the City of Victoria, British Columbia, with a civic address of 1016 Southgate Street and legally described as:
PID: 008-138-052
LOT F, FAIRFIELD FARM ESTATE, VICTORIA CITY, PLAN 966
(the "**Lands**").
- C. The Owner is applying to rezone the Lands and the Owner intends to subdivide the Lands by Strata Plan.
- D. The Dwelling Units are intended to be stratified and therefore will be subject to the *Strata Property Act* (British Columbia) and the bylaws of the Strata Corporation, but the intent of this Housing Agreement is to ensure the perpetual availability of rental units (in addition to owner-occupied units);
- E. The City and the Owner wish to enter into this Agreement, as a Housing Agreement pursuant to section 483 of the *Local Government Act*, to establish the terms and conditions regarding the occupancy of the residential units identified in this Housing Agreement.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act*, and in consideration of the premises and covenants contained in this Agreement, the parties agree each with the other as follows:

1.0 Definitions

1.1 In this Agreement:

"**Development**" means the proposed strata development on the Lands to include six (6) Dwelling Units.

"**Dwelling Unit**" means a self-contained residential dwelling unit within the building that *is/will be* located on the Lands, and includes any dwelling unit that is developed on the Lands in future, whether as part of the Development or otherwise, and "Dwelling Units" means collectively all of such residential dwelling units located on the Lands.

"**Immediate family**" includes a person's husband, wife, child, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, niece and nephew.

-3-

"Non-owner" means a person who occupies a Dwelling Unit for residential purposes, other than the Owner of that Dwelling Unit, and other than a member of the Owner's Immediate family.

"Owner" includes a person who acquires an interest in the Lands or any part of the Lands and is thereby bound by this Agreement, as referred to in section 5.1.

"Tenancy Agreement" has the same meaning as under the *Residential Tenancy Act*.

"Strata Corporation" means, for the portions of the Lands or any building on the Lands that is subdivided under the *Strata Property Act*, a strata corporation as defined in that Act, including the Owner while in control of the strata corporation and subsequently the individual strata lot owners collectively acting as the strata corporation.

1.2 In this Agreement:

- (a) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment; and
- (b) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

2.0 No Restrictions on Rentals

- 2.1 The Owner covenants and agrees that the Owner shall not take any steps, or enter into any agreements, or impose any rules or regulations whatsoever, the effect of which would be to prevent or restrict the Owner of a Dwelling Unit from renting that Dwelling Unit for residential purposes to a Non-owner.
- 2.2 Without limiting the generality of section 2.1, the Owner covenants and agrees that it will not make application to deposit a strata plan for or in respect of the Lands or a building on the Lands unless the strata bylaws in no way restrict rental of the Dwelling Units to Non-owners.
- 2.3 For certainty, if the Lands or the Development on the Lands are subdivided under the *Strata Property Act*, the Dwelling Units within the Development may be occupied by the Owners of the strata lots.

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3.0 Reporting

- 3.1 The Owner covenants and agrees to provide to the City, upon written request from the City's Director of Sustainability Planning and Community Development, a report in writing confirming:
- (a) the number, type and location by suite or strata lot number, of Dwelling Units that are being rented to Non-owners; and
 - (b) any changes or proposed changes to the Strata Corporation's bylaws that may affect the terms of this Agreement.
- 3.2 The Owner covenants and agrees:
- (a) to exercise its voting rights in the Strata Corporation against the passage of any bylaws that would restrict the availability for rental of any Dwelling Unit unless this Agreement is amended; and
 - (b) to notify the City of any proposed amendments to its strata bylaws.
- 3.3 The Owner acknowledges that it is within the City's sole discretion to consent or not to consent to modifications to this Agreement and that such consent may be withheld for any reason.

4.0 Notice to be Registered in Land Title Office

- 4.1 Notice of this Agreement ("**Notice**") will be registered in the Land Title Office by the City at the cost of the Owner in accordance with section 483(5) of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Lands after registration of the Notice.

5.0 Liability

- 5.1 The Owner agrees to indemnify and saves harmless the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from all claims, demands, actions, damages, costs and liabilities, which all or any of them shall or may be liable for or suffer or incur or be put to by reason of or arising out of failure of the Owner to comply with the terms and conditions of this Agreement.
- 5.2 The Owner hereby releases and forever discharges the City and each of its elected and appointed officials, employees and agents and their respective administrators, successors and permitted assigns, of and from any and all claims, demands, actions, damages, economic loss, costs and liabilities which

-5-

the Owner now has or hereafter may have with respect to or by reason of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.

6.0 Priority Agreement

- 6.1 Computershare Trust Company of Canada (Incorporation Number A-52313), the registered holder of a charge by way of Mortgage against the Lands registered in the Land Title Office at Victoria, British Columbia under number CA3933470, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to the Housing Agreement, pursuant to section 483 of the *Local Government Act*, and the Housing Agreement shall be an encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if Notice had been filed prior to the said charge.

7.0 General Provisions

Notice

- 7.1 If sent as follows, notice under this Agreement is considered to be received

- (a) seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and
- (b) on the date of delivery if hand-delivered,

to the City:

City of Victoria
 #1 Centennial Square
 Victoria, BC V8W 1P6
 Attention: Director of Sustainability Planning and
 Community Development
 Fax: 250-361-0386

to the Owner:

1250 Beach Drive, Victoria, BC V8F 2N3

or upon registration of a strata plan for the Lands, to the Strata Corporation, and to the Owner of any Dwelling Unit that is subject to the restrictions under section 2.1.

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

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If normal mail service or facsimile service is interrupted by strike, work slow-down, force majeure, or other cause,

- (a) notice sent by the impaired service is considered to be received on the date of delivery, and
- (b) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand-delivering the notice.

Time

7.2 Time is to be the essence of this Agreement.

Binding Effect

7.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees.

Waiver

7.4 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

Headings

7.5 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

7.6 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Equitable Remedies

7.7 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

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Cumulative Remedies

7.8 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

7.9 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

Further Assurances

7.10 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

7.11 This Agreement may be amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

Law Applicable

7.12 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

No Derogation from Statutory Authority

7.13 Nothing in this Agreement shall:

- (a) limit, impair, fetter or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled and no permissive bylaw enacted by the City, or permit, licence or approval, granted, made or issued thereunder, or pursuant to statute, by the City shall estop, limit or impair the City from relying upon and enforcing this Agreement; or
- (b) relieve the Owner from complying with any enactment, including the City's bylaws, or any obligation of the Owner under any other agreement with the City.

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Joint and Several

7.14 The Owner, if more than one, are jointly and severally obligated to perform and observe each and every of the covenants, warranties and agreements herein contained by the Owner to be observed and performed.

Counterpart

7.15 This Agreement may be executed in counterparts and delivered by facsimile or emailed PDF file, each of which will have the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

Effective Date

7.16 This Agreement is effective as of the date of the signature of the last party to sign.

IN WITNESS WHEREOF the parties have hereunto set their hands as of the dates inscribed at a place within British Columbia:

THE CORPORATION OF THE CITY OF)
VICTORIA by its authorized signatories:)
 On the ___ day of _____, 2016.)

_____)
 Mayor Lisa Helps)

_____)
 City Clerk)

Signed, Sealed and Delivered)
 In the presence of)
 On the 26 day of August, 2016.)

_____)
 Witness)

_____)
 Address: **JOHN D. MULLIN**)
BARRISTER & SOLICITOR)
1626 GARNET ROAD)
VICTORIA, BC V8P 3C8)
 Occupation)

_____)
 STACEY MCNEE DEWHURST)

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COMPUTERSHARE TRUST COMPANY
OF CANADA (Incorp. No. A-52313)

by its authorized signatory(ies):

On the 6th day of ~~August~~ September, 2016

Witness

Address

Occupation

Yana Nedelkova
Notary Public in and for
The Province of Ontario
100 University Ave., 11th Flr.
Toronto, ONTARIO M5J 2Y1
~~416-263-9859~~



Aaron Cao
Professional, MBS



Warren A. Chang
Administrator, MBS



Council Report

For the Meeting of October 13, 2016

To: Council **Date:** October 3, 2016
From: Chris Coates, City Clerk
Subject: Archives Use Bylaw – Correction to Recent Adoption

RECOMMENDATION

That Council:

- A) rescind adoption and third reading of the Archives Use Bylaw, Amendment Bylaw, No. 2 (16-060) and
- B) give third reading to the amended Archives Use Bylaw, Amendment Bylaw, No. 2 (16-060) attached as Schedule A.

EXECUTIVE SUMMARY

On September 8, 2016, Council adopted the Archives Use Bylaw, Amendment Bylaw, No. 2 (16-060). While preparing a consolidation for posting to the web, it came to staff's attention that the amendment bylaw listed a previous amendment bylaw, rather than the parent bylaw, for amending.

This error is corrected in Schedule A, attached.

In order to adopt a corrected version of the Archives Use Bylaw, Amendment Bylaw (No. 2) Council must rescind third reading and adoption and give the the revised bylaw third reading at the October 13, 2016 Council meeting and adoption at the October, 27, 2016 Council meeting.

Respectfully submitted,

Handwritten signature of Chris Coates.

Chris Coates
City Clerk

Handwritten signature of Jocelyn Jenkyns.

Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager: _____

Date: _____ September 30, 2016

List of Attachments

Appendix A – Archives Use Bylaw, Amendment Bylaw (No. 2), 16-060

NO. 16-060

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Archives Use Bylaw to reduce the licensing fees and simplify the licensing process.

Under its statutory powers, including section 194 of the *Community Charter*, the Council of The Corporation of the City of Victoria enacts the following provisions:

- 1 This Bylaw may be cited as the "ARCHIVES USE BYLAW, AMENDMENT BYLAW (NO. 2)".
- 2 Bylaw No. 04-57 the Archives Use Bylaw, is amended
 - (a) by repealing Schedule A and substituting the Schedule A attached to this Bylaw, and
 - (b) by repealing Schedule B and substituting the Schedule B attached to this Bylaw.

READ A FIRST TIME the **25th** day of **August** 2016.

READ A SECOND TIME the **25th** day of **August** 2016.

READ A THIRD TIME the day of 2016.

ADOPTED on the day of 2016.

CITY CLERK

MAYOR



Archives Licensing Agreement

City of Victoria Archives ■ 1 Centennial Square, Victoria, BC V8W 1P6
T: 250-361-0375 ■ F: 250-361-0367 ■ archives@victoria.ca ■ www.victoria.ca/archives

Terms and Conditions of Use

By signing this form, you agree to the following terms and conditions:

1. The City of Victoria grants the user the non-exclusive right to use the material indicated in the Application for Permission.
2. Use of the material is limited to what is outlined in the Application for Permission.
3. Use of the material requires identifying each item as sourced from the City of Victoria Archives.
4. The user assumes all responsibility for use of the material under Canadian and International copyright laws, and does not acquire any interest in the ownership of the copyright or other proprietary rights in the material.
5. Users acquiring rights to use City of Victoria Archive material on behalf of others are responsible for informing the publisher, producer, or contractor of the extent and limitations of the rights acquired.
6. Permission is granted for a single use only.
7. Some sizing of the material is permitted but content manipulation generally is not.
8. Reproduction of the material is limited to what is necessary for your final project.

Signature of applicant	Date
Signature of CVA staff	Date

Please return to the City of Victoria Archives by:

Email: archives@victoria.ca ■ Fax: 250-361-0367 ■ Mail: 1 Centennial Square, Victoria, BC V8W 1P6



Archives Licensing Fee Schedule

City of Victoria Archives ▪ 1 Centennial Square, Victoria, BC V8W 1P6
T: 250-361-0375 ▪ F: 250-361-0367 ▪ archives@victoria.ca ▪ www.victoria.ca/archives

Fees

General

Fees apply to commercial use of archival material and are per image unless indicated otherwise.

Fees are not charged for non-commercial use. However, a license agreement is required for any use other than personal research and enjoyment.

Definitions

Commercial: engaged in or connected with commerce or commercial enterprises.

Non-commercial: includes personal, government, educational, non-profit, and local media use; also includes limited runs of works or items created in or for the local market (Victoria and Vancouver Island).

Educational: being part of a program or project of an educational institution. Does not include textbooks or academic presses.

Fees

Books / e-Books	\$20.00 (promotional use included)
Magazines / Journals / Newspapers	\$20.00 (online use included)
Exhibitions / Displays	\$20.00
Internet	\$20.00
Brochures / Flyers / Newsletters / Posters	\$10.00
Slide Shows / Presentations	\$10.00 (per event, not per image)
Television / Movies	\$40.00
Merchandise	\$40.00

SCHEDULE TO BYLAW 16-074

Column A Owner/Occupier	Column B Folio	Column C Term	Column D Legal Description
NON PROFIT EXEMPTIONS:			
1Up Victoria Single Parent Resource Centre Society	10728009	2017-2019	LT A PL 14763 SEC 4 VICTORIA
Anawim Companions Society	01499050	2017-2019	LT 1 PL 31799 SEC SL12 VICTORIA
Art Gallery of Greater Victoria	03294003	2017-2019	LT 1 PL 29416 SEC FFLD VICTORIA
Arthritis Society of BC & Yukon	08560127	2017-2019	LT A PL VIP55395 SEC 25 VICTORIA; EXCLUDING 9,271 SQUARE FEET LEASED AS SUITE 101, 201A, 201B
The BC Muslim Association	07507038	2017-2019	LOT A, SECTION 3, VICTORIA, EPP13813
BC Society for the Prevention of Cruelty to Animals	10745031	2017-2019	LOT A, SECTION 4, VICTORIA, PLAN 50298.
Beacon Community Services	09666017	2017-2019	LOT 4, BLOCK 15, SECTION 4, VICTORIA, PLAN 240
Beacon Community Services	07432005	2017-2019	LOT A (DD 372332I), SECTION 74, VICTORIA, PLAN 490
Belfry Theatre Society	07460008	2017-2019	LT 1 PL 31285 SEC SR VICTORIA
Blue Bridge Theatre Society	09659008	2017-2019	PLAN 240 VICTORIA PCL A LOT 10 BLOCK 16 SECTION 4 PLAN 240
Canadian Cancer Society BC & Yukon Division	07407030	2017-2019	LT A PL 37668 SEC 76 VICTORIA
Canadian Red Cross Society	03194039	2017-2019	LT 1 PL 42102 VICTORIA
Casa Maria Emergency Housing Society	07486009	2017-2019	LT 4 PL 182 SEC SR VICTORIA
City of Victoria	09663019	2017-2019	THAT PORTION OF LOT A, SECTION 4, VICTORIA, PLAN 77837 WHICH IS A GYMNASIUM OCCUPIED BY THE CITY OF VICTORIA
City of Victoria	02142029	2017-2019	THAT PORTION OF LOT 2 VICTORIA PLAN EPP54040, WHICH IS OCCUPIED BY THE THE VICTORIA PUBLIC LIBRARY JAMES BAY BRANCH
Clover Point Anglers Association	03181006	2017-2019	THAT PART OF CLOVER POINT OCCUPIED BY THE BOATHOUSE AND BOAT RAMP AT AND NEAR THE HIGH WATER MARK ON THE EXTREME SOUTH WESTERLY SHORELINE OF ROSS BAY; 80% for 2017, 75% for 2018, and 70% for 2019
Craigdarroch Castle Hist. Museum Society	04298033	2017-2019	LT A PL VIP72665 SEC FFLD VICTORIA
Craigdarroch Castle Hist. Museum Society	04298027	2017-2019	PRIVATE LANE OF SECTION 74, VICTORIA, PLAN 985
Cridge Centre for the Family	08582002	2017-2019	EXCLUDING THAT PORTION OCCUPIED BY ELIZABETH BUCKLEY SCHOOL; THAT PORTION OF THE PROPERTY USED FOR SENIOR HOUSING, LOT 28, SECTION 4, VICTORIA, PLAN 263 EXCEPT THOSE PARTS THEREOF SHOWN COLOURED IN RED ON PLANS DEPOSITED UNDER DD261771 AND DD 253321 AND EXCEPT PART IN PLAN 10551 AND 41022
Fernwood Community Association	07447031	2017-2019	LOT 24, SECTION 75, VICTORIA, PLAN 951
Fire Fighters' Burn Fund of Greater Victoria	08559025	2017-2019	LOT 18, SECTION 25, VICTORIA, PLAN 339
First Open Heart Society of BC Inc	07424012	2017-2019	LT 1 BLK 1 PL 514 SEC 75 VICTORIA
Freshwater Fisheries Society of BC	12828161	2017-2019	LOT 1, DISTRICT LOT 119, ESQUIMALT, VIS6062
Girl Guides of Canada Southern Vanc. Island	01497035	2017-2019	LT 1 PL 20248 VICTORIA
Gov Council Salvation Army in Canada	09659001	2017-2019	LT A PL 27663 SEC 4 VICTORIA
Gov Council Salvation Army in Canada	01063009	2017-2019	LT A PL 34849 VICTORIA
Greater Victoria Citizen's Counselling Centre	09661002	2017-2019	AMENDED LOT 1 (DD 306630I), SECTION 4, VICTORIA, PLAN 8153
Innovative Communities. Org Foundation	12771008	2017-2019	LOT A (DD 280876I), BLOCK 9, SECTION 10, ESQUIMALT, PLAN 1165
Island Community Mental Health	12826012	2017-2019	LT 1 PL 47267 DL 119 VICTORIA
James Bay Anglers Assoc.	02106034	2017-2019	PORTION OCCUPIED BY CLUBHOUSE AND BOAT RAMP OF LOT 1, SECTION 31, BECKLEY FARM, VICTORIA AND PART OF THE BED OF VICTORIA HARBOUR, VIP80448; 80% for 2017, 75% for 2018, 70% for 2019
James Bay Health & Community Services Society	02144029	2017-2019	LT 1 PL VIP63603 VICTORIA

SCHEDULE TO BYLAW 16-074

Column A Owner/Occupier	Column B Folio	Column C Term	Column D Legal Description
John Howard Society of Victoria	10733007	2017-2019	LT 9 BLK 3 PL 1134 SEC 4 VICTORIA
John Howard Society of Victoria	10733011	2017-2019	LOT A, SECTION 4, VICTORIA, PLAN 74733
John Howard Society of Victoria	10734011	2017-2019	LOT 22, BLOCK 2, SECTION 4, VICTORIA, PLAN 1134
Kiwanis Club of Victoria	07477022	2017-2019	LT 21 BLK 3 PL 62 SEC 3 VICTORIA
Kiwanis Club of Victoria	09650008	2017-2019	LT 24 PL 1167 SEC 4 VICTORIA
Laren Society	02107017	2017-2019	LOT 5, SECTION 27, BECKLEY FARM, VICTORIA, PLAN 71
Multiple Sclerosis Society of Canada	01499037	2017-2019	LOT C, SUBURBAN LOT 13, VICTORIA, PLAN 26, PERMISSIVE EXEMPTION SEC 341 LGA; EXCLUDING LEASED AREAS of 220 SQ. FT ON SECOND FLR, 1,718 SQ FT ON FIRST FLR, AND 227 SQ. FT OF STORAGE SPACE.
Oaklands Community Association	08554020	2017-2019	LOT A (DD 81953-W), BLOCK 8, SECTION 48, VICTORIA, PLAN 835
Open Space Arts Society	01067015	2017-2019	PART OF LT 2 PL 29564 SEC 18 VICTORIA OCCUPIED BY OPEN SPACE ARTS SOCIETY
Pacifica Housing Advisory Association	01517162	2017-2019	RESIDENTIAL UNITS RESEVED BY VIHA FOR THEIR EXCLUSIVE USE OF PORTION OF LOT A, SUBURBAN LOT 4, VICTORIA, PLAN 74422
Phoenix Human Services Association	04299052	2017-2019	LOT H (DD 360231I), FAIRFIELD FARM ESTATE, VICTORIA, PLAN 985
Ross Bay Villa Society	03260032	2017-2019	LOT 2 & 3, SECTION 18 & 19, VICTORIA, PLAN 2582, PERMISSIVE EXEMPTION SECTION 341 LGA
Royal & McPherson Theatre Society	01046023	2017-2019	THE PORTION OF LOT PT. 2 PLAN VIP6432, VICTORIA LAND DISTRICT (MCPHERSON PLAYHOUSE) WHICH THE THEATRE OCCUPIES
Scouts Properties (BC & Yukon) Ltd	03220051	2017-2019	LT 3 BLK 3 PL 823 SEC FFLD VICTORIA
Shekinah Homes Society Inc	11756039	2017-2019	LOT 8, BLOCK 3, SECTION 10, VICTORIA, PLAN 924
St. Vincent De Paul Society of Victoria	01006019	2017-2019	STRATA LOT 1 OF LOTS 308 AND 323. VICTORIA VIS5137 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN THE PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOW ON FORM V
TLC The Land Conservancy of B.C.	05344035	2017-2019	LOT 1, SECTION 68, VICTORIA, PLAN 6009, PERMISSIVE EXEMPTION SECTION 341 LGA
TLC The Land Conservancy of B.C.	05344059	2017-2019	LOT 3, SECTION 68, VICTORIA, PLAN 37953
Threshold Housing Society	06384013	2017-2019	LOT L PLAN 1238 SECTION 76 VICTORIA
Vancouver Island Addiction Recovery Society	10734018	2017-2019	LOT 15, BLOCK 2, SECTION 4, VICTORIA, PLAN 1134
Victoria Association For Community Living	03225014	2017-2019	LOT 5, FAIRFIELD FARM ESTATE, VICTORIA, PLAN 903
Victoria Association For Community Living	06359026	2017-2019	LOT 2, SECTION 68, VICTORIA, PLAN 27476
Victoria Conservatory of Music	01521001	2017-2019	LOT 1, SECTION 341 LGA, VICTORIA, PLAN 13460
Victoria Cool Aid Society/Vancouver Island Aids Society	01021003	2017-2019	100% EXEMPTION FOR THE LAND AND IMPROVEMNTS OCCUPIED BY THE VICTORIA COOL AID SOCIETY, THE NATIVE FRIENDSHIP CENTRE AND THE COMMON AREA
Victoria Cool Aid Society	07506019	2017-2019	LOT 4, BLOCK 5, SECTION 3, VICTORIA, PLAN 804
Victoria Cool Aid Society	01001001	2017-2019	LOT 1, SECTION 88, VICTORIA, PLAN 28061
Victoria Native Friendship Centre	07452016	2017-2019	LT 34 PL 164 SEC 74 VICTORIA
Victoria Native Friendship Centre	07460043	2017-2019	LOT 15, SPRING RIDGE, VICTORIA, PLAN 182
Victoria Native Friendship Society	11754034	2017-2019	LOT A, SECTION 10, VICTORIA, PLAN 27473
Victoria Theatre Guild & Dramatic School	03272059	2017-2019	LT A PL 3694 SEC FFLD VICTORIA
Victoria Women In Need Community Co-operative	07481028	2017-2019	LOT 1, SUBURBAN LOT 18, VICTORIA, PLAN 342
Victoria Women's Sexual Assault Centre Society	08616059	2017-2019	LT 3 PL VIS2711 SEC 29 VICTORIA
Victoria Women's Transition House Society	Confidential	2017-2019	Confidential
Victoria Women's Transition House Society	08616057	2017-2019	LT 1 PL VIS2711 SEC 29 VICTORIA
Victoria Women's Transition House Society	08616061	2017-2019	LOT 5, SECTION 29, VICTORIA VIS2711
Victoria Youth Empowerment Society	01064004	2017-2019	THE PART OCCUPIED BY THE VICTORIA YOUTH EMPOWERMENT SOCIETY OF LT 197 VICTORIA
YM/YWCA of Victoria	01003005	2017-2019	LT 1 PL 17675 VICTORIA; 80% for 2017, 75% for 2018, and 70% for 2019

SCHEDULE TO BYLAW 16-074

Column A Owner/Occupier	Column B Folio	Column C Term	Column D Legal Description
PLACE OF WORSHIP EXEMPTIONS:			
Bayanihan Community Centre	01516025	2017-2019	THAT PART OF THE IMPROVEMENTS USED TO PROVIDE WORSHIP SERVICES AND LAND BENEATH AND THE LAND SURROUNDING THE BUILDING INCLUDING THE PARKING LOT OF LT 30 VICTORIA
Bishop of Victoria	01022024	2017-2019	LT A PL VIP56202 VICTORIA
Bishop of Victoria	05337023	2017-2019	LT 22/23 PL 291B SEC 19 VICTORIA
Centennial United Church	10709003	2017-2019	LOT 3 & 4, BLOCK U, SECTION 4, VICTORIA, PLAN 33A
Central Baptist Church	01008026	2017-2019	LT A PL VIP63518 VICTORIA
Chabad of Vancouver Island	09671031	2017-2019	LT 1 PL 7548 SEC 5 VICTORIA
Church of Jesus Chris of Latter-day Saints	09671060	2017-2019	LT A PL VIP71687 SEC 4&5 VICTORIA
Church of Our Lord	01030003	2017-2019	LT 1270 VICTORIA
Church of Truth - Community of Consious living	02112001	2017-2019	LOT 1317, VICTORIA, CITY
Community of Christ Inc.	10744005	2017-2019	LOT B, SECTION 4, VICTORIA, PLAN 14112
Cornerstone Christian Fellowship	07478014	2017-2019	LT 12 BLK 4 PL 62 SEC 3 VICTORIA
Congregation Emanu-El	01008027	2017-2019	LOT A PLAN VIP73786 VICTORIA OF LOTS 432 & 433 SEC 339 LGA
First Baptist Chuch	01516027	2017-2019	LT 2 PL VIS403 VICTORIA
First Church Of Christ Scientist	07489030	2017-2019	LOT 1, SECTION 23, SPRING RIDGE, VICTORIA, PLAN 37273
First Metropolitan United Church	01498036	2017-2019	LOT A, SUBURBAN LOT 9, VICTORIA, PLAN 12146
Foursquare Gospel Church of Canada	09699001	2017-2019	LT 1 PL 28764 SEC 4 VICTORIA, EXCLUDING THE RESIDENTIAL PORTION
Franciscan Friars of Western Canada	04298032	2017-2019	LT K PL 985 SEC 74 VICTORIA
Fung Ioy Kok Institute of Taoism	12824001	2017-2019	LOT 111/112, BLOCK O, SECTION 31, ESQUIMALT, VIP549
Glad Tidings Pentacostal Church	01515027	2017-2019	LOT 1, SUBURBAN LOTS 2 & 3, SEC 339 LGA, PLAN 67450
Good Shepherd Lutheran Church	08590055	2017-2019	LT 2 PL 8748 VICTORIA
Grace Evangelical Lutheran Church	04295003	2017-2019	THAT PART OF SECTION 1, SPRING RIDGE, VICTORIA, LYING SOUTH OF THE SOURTHERLY LIMIT OF FORT STREET AS DEFINED ON CERTIFICATE OF TITLE 25844I

SCHEDULE TO BYLAW 16-074

Gurdwara Singh Sabha Society of Victoria	10744011	2017-2019	LOT 11, SECTION 4, VICTORIA, PLAN 2214 EXCLUDING THE RESIDENTIAL PORTION
Gurdwara Singh Sabha Society of Victoria	10744012	2017-2019	LT 10 PL 2214 SEC 4 VICTORIA
James Bay United Church	02143057	2017-2019	LT A PL 41781 VICTORIA
Jubilee Congregation of Jehova's Witnesses	08563044	2017-2019	LOT A, SECTION 8A, VICTORIA, EPP28654
Kalghidhar Shromani Society	09648020	2017-2019	LOT A, SECTION 4, VICTORIA, VIP84897
Keystone Victoria Christian Ministries Inc	07506029	2017-2019	LOT 1, BLOCK 5, SECTION 3, VICTORIA, PLAN 804
Khalsa Diwan Society of Victoria	09636009	2017-2019	LT 156 BLK 9 PL 299 SEC 4 VICTORIA
Khalsa Diwan Society of Victoria	09636010	2017-2019	LT 154 BLK 9 PL 299 SEC 4 VICTORIA
Khalsa Diwan Society of Victoria	09638071	2017-2019	LT C BLK 14 PL 299 SEC 4 VICTORIA
Maplewood Gospel Hall	09631063	2017-2019	LOT 2, SECTION 4, VICTORIA, PLAN 29493
Mustard Seed Street Church	01052002	2017-2019	LT 1 PL 26210 SEC 3 VICTORIA
Oak Bay Gospel Assembly	06383017	2017-2019	LT 14 BLK 3 PL 273 SEC 76 VICTORIA
Oakland's Chapel	08580009	2017-2019	LOT 1, SECTION 48, VICTORIA, PLAN 59184
Open Door Spiritualist Church	01497024	2017-2019	LT 6 PL 258 VICTORIA
Parkdale Evangelical Free Church	09674005	2017-2019	LT 38 PL 796 SEC 4 VICTORIA
Pentecostal Assemblies Of Canada	07507026	2017-2019	LT A PL 46755 SEC 3 VICTORIA
Religious Society of Friends	07412021	2017-2019	LOT 5 BLOCK 6 PLAN 757 SECTION 75 VICTORIA PARCEL PT A, SHOWN AS PCL B ON PLAN 18CP; SEC 339 LGA .
Religious Society of Friends	07412022	2017-2019	LOT 5 BLOCK 6 PLAN 757 SECTION 75 VICTORIA PARCEL A, (DD 49676I) FRIENDS MEETING HOUSE SEC 339 LGA .
Saint Germain Fdn Of Canada (Victoria Branch)	03204004	2017-2019	LT 2 PL 5069 VICTORIA
Saint Sophia Parish Of The Russian Orthodox Church	03244001	2017-2019	LT 1 BLK C PL 340 SEC FFLD VICTORIA
Seventh-Day Adventist Church (BC Conference)	01521010	2017-2019	LOT 842, VICTORIA, EXCEPT PARCEL B (DD 118179I) THEREOF
Trustees of the Congregation of St. Andrew's Presbyterian Ch	01035002	2017-2019	VICTORIA PT LOT 233 & LOT 234 EXC PT ROAD (BY-LAW PLAN 982
Trustees of the Congregation of St. Andrew's Presbyterian Ch	01035005	2017-2019	THE WESTERLY 30 FEET OF LOT 231, VICTORIA AND LOT 230, VICTORIA, EXCEPT THE NORTHERLY 7 INCHES THEREOF
Ukrainian Catholic Eparchy Of The New Westminster	07480042	2017-2019	THAT PART OF THE LAND AND IMPROVEMENTS OF LT 30 VICTORIA USED TO PROVIDE WORSHIP SERVICES
Unity Church Of Victoria	01520002	2017-2019	THAT PART OCCUPIED BY THE CHURCH OF LOT 1, SUBURBAN LOT 5, VICTORIA, PLAN 15680
Victoria Chinese Alliance Church	08612034	2017-2019	LOT 1, SECTION 29 & 30, VICTORIA, PLAN 67248
Victoria Chinese Presbyterian Church	01515022	2017-2019	LT A PL 26593 VICTORIA
Victoria Shambhala Centre	07425001	2017-2019	THAT PART OF LOT 1, SECTION 75, VICTORIA, PLAN 24418 THAT IS OCCUPIED BY THE VICTORIA SHAMBHALA CENTRE

Column A	Column B	Column C	Column D
Owner/Occupier	Folio	Term	Legal Description
PLACE OF WORSHIP EXEMPTIONS:			
Anglican Synod of the Diocese of BC	01497041	2017-2019	LT A PL 49466 VICTORIA
Anglican Synod of the Diocese of BC	03206016	2017-2019	LT 1 PL VIP65806 VICTORIA
Anglican Synod of the Diocese of BC	05314021	2017-2019	THAT PART OF LOT 66, SECTION 68, VICTORIA, PLAN 10250 LYING TO THE EAST OF A BOUNDARY EXTENDING PARALLEL TO THE EASTERLY BOUNDARY OF SAID LOT FROM A POINT ON THE SOUTHERLY BOUNDARY OF SAID LOT 90 FEET FROM THE SOUTH WEST CORNER OF SAID LOT, EXCEPT PART IN VIP24610
Anglican Synod of the Diocese of BC	07428001	2017-2019	PARCEL A ON CHURCH PLAN OF LOT 5, BLOCK 7, SECTION 75, VICTORIA, PLAN 757, EXCEPT PARCEL A (DD75923I) AND EXCEPT PART IN PLAN 30149
Anglican Synod of the Diocese of BC	07428002	2017-2019	PARCEL B ON CHURCH PLAN OF LOT 5, BLOCK 7, SECTION 75, VICTORIA, PLAN 757, EXCEPT PARCEL A (DD75923I) AND EXCEPT PART IN PLAN 30149
Anglican Synod of the Diocese of BC	07428003	2017-2019	PARCEL C ON CHURCH PLAN OF LOT 5, BLOCK 7, SECTION 75, VICTORIA, PLAN 757, EXCEPT PARCEL A (DD75923I) AND EXCEPT PART IN PLAN 30149



MAYOR'S OFFICE

SEP 29 2016

VICTORIA, B.C.

September 23, 2016

Ref: 169059

Her Worship Mayor Lisa Helps
City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps:

As you may know, over the last several months, Minister Stone and I met with a number of stakeholders across the province to discuss the challenges and opportunities of ride sourcing in British Columbia's passenger transportation sector.

Through these consultations, we heard a range of valuable comments and recommendations, which are reflected in the enclosed Stakeholder Engagement Summary for your review. Please note that the themes and recommendations outlined in this report reflect the views of those who provided feedback, and do not reflect a provincial position.

The feedback we receive will help to inform any decisions that our government may make with respect to this important issue. If you have any comments on the findings of this consultation, please email them at: RideSourcing@gov.bc.ca.

Sincerely,

Peter Fassbender
Minister of Community, Sport and Cultural Development
and Minister Responsible for TransLink

Enclosure

RIDE SOURCING IN B.C. STAKEHOLDER ENGAGEMENT SUMMARY

September 2016

The Honourable Peter Fassbender

Minister of Community, Sport and
Cultural Development and
Minister Responsible for TransLink



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MESSAGE FROM THE MINISTER



In today's modern world, app-based technologies have transformed the day-to-day lives of consumers and the way we access services. The advent of transportation network companies (TNCs), specifically, presents consumers with opportunities for new

passenger transportation services through the use of technology. Our government understands that British Columbians want choice and convenience, and as a government, we encourage innovation and competition. We embrace change and are excited to look to the future.

However, while new services can provide consumers with more transportation options, they cannot come at the expense of passenger and driver safety. It is also important to recognize the investments and jobs created by those individuals who already provide passenger transportation services in our province.

Our government believes that before we can have a productive conversation about any changes to passenger transportation services, we must first have a clear understanding of the perspectives of British Columbians regarding the role that passenger transportation plays in their lives. And, we must be informed by a clear understanding of the regulatory environment within which these services are currently delivered.

To help us gain this understanding, the Honourable Todd Stone, Minister of Transportation and Infrastructure has clarified the nature of the current regulatory environment, and I was pleased to lead consultations on behalf of the Government of British Columbia, in collaboration with Minister Stone. The conversations took place across the province, and I heard from a diverse group of stakeholders. These included representatives from the taxi and limousine industry,

transportation network companies, local governments, business and tourism associations, accessibility groups and industries that are affected by commercial passenger transportation regulations, such as insurance and consumer protection groups. In doing so, I was able to hear first-hand a range of insightful comments related to the opportunities and challenges of our Province's vehicle for hire industry.

The following report provides an overview of the:

- current vehicle-for-hire industry in B.C. and the regulatory framework in which it operates;
- methodology of the consultations undertaken since spring 2016; and,
- feedback from the many stakeholders who participated in the consultations.

I wish to thank the participants who took part in the productive consultations that will help to inform our government in determining possible next steps for a "Made in B.C." approach that takes into account the interests of sector participants and consumers. At the end of the day, the path we take will balance the interests of all stakeholders, protect passenger safety and address the public's desire for more choice, convenience and competition.

Our government looks forward to any additional comments that you may have relating to ride sourcing and would be pleased to receive your feedback at: RideSourcing@gov.bc.ca

Peter Fassbender

Minister of Community, Sport and Cultural Development and Minister Responsible for TransLink

I. B.C.'S TAXI INDUSTRY - REGULATORY FRAMEWORK & BACKGROUND

Regulatory Framework

The taxi/limousine sector is an important contributor to local economies. Across British Columbia there are currently more than 390 taxi/limousine licensees operating over 3,600 vehicles in about 110 municipalities. The sector employs more than 10,000 drivers, in addition to dispatch, vehicle maintenance and operations staff.

Unlike most other provinces, in B.C. the taxi industry is regulated at both the provincial and municipal levels, through six statutes (see Appendix II). The provincially mandated Passenger Transportation Board (PTB) determines the number of taxis that can operate within a municipality, sets the areas those taxis can operate in and determines fare structures. It may also implement policies and programs to address the personal safety of drivers and passengers, and accessibility for all riders, including those with disabilities.

Provincial legislation addresses passenger safety, vehicle safety and insurance. All vehicle-for-hire operators in B.C. must hold a National Safety Code Certificate. The National Safety Code (NSC) is a set of national standards supported by provincial regulations and administered through the Commercial Vehicle Safety and Enforcement Branch in the Ministry of Transportation and Infrastructure. The NSC standards establish minimum safety standards for commercial vehicles and drivers that must be met by all commercial carriers.

Provincial legislation also authorizes local governments to write by-laws that establish the requirements for commercial/business licensing, which may include how many and what types of vehicles can operate, and which can provide specific permitting requirements for drivers in each jurisdiction (Appendix II).

The Registered Owner of a passenger directed vehicle (i.e. vehicles-for-hire, taxis, limousines) must purchase the mandatory Basic vehicle insurance from ICBC. The Registered Owner may purchase additional insurance coverage over and above mandatory ICBC Basic insurance (e.g., extended liability protection, collision and comprehensive insurance) from ICBC or from private insurers in a competitive environment. Currently, there are no insurance coverage options for TNCs with ICBC.

What Makes Ride Sourcing Unique

Ride sourcing connects passengers to vehicles-for-hire through the use of a mobile smartphone app. Passengers who wish to access the services of a TNC vehicle must download a ride sourcing app on their smart phone and have a credit card on file. Using Global Positioning System technology (GPS), the passenger's location is catalogued when the passenger requests a ride through the app and the nearest driver partner is matched with the passenger.

Typically, the app will provide information to riders to help driver and passenger connect including the first name and a photo of the driver and the vehicle type and licence plate number. The app will also offer options for estimating the cost of the ride, rating drivers and paying the trip fare. TNC drivers are often non-professional drivers who use personal vehicles to provide rides for a fare.

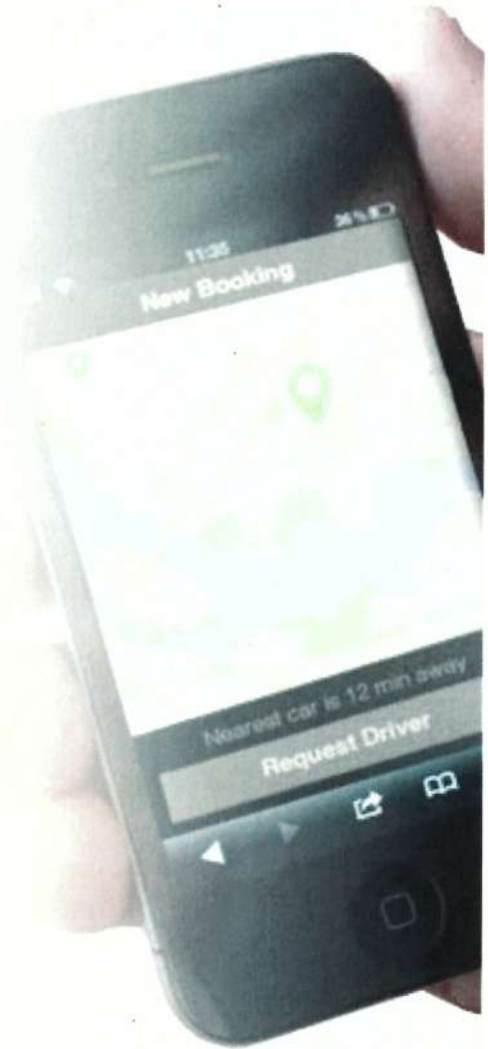
TNCs differ from taxis in a number of ways. For example, TNCs allow drivers to use their personal vehicles to provide part-time, vehicle-for-hire services, whereas taxis operate as full-time vehicles-for-hire.

Approaches to Ride Sourcing in Canada

Across Canada, TNCs have begun to operate in local jurisdictions. Edmonton was the first Canadian city to approve and regulate ride sourcing through a city by-law on March 1, 2016. Its new regulatory framework for vehicles-for-hire supports consumer choice and passenger safety while complying with provincial regulations that legalize TNCs.

In the following months local governments in Calgary, Ottawa and Toronto also passed by-laws to regulate TNCs in their respective jurisdictions. In June 2016, Quebec passed legislation requiring TNC companies to purchase a taxi permit, and continues discussions with the taxi and ride sourcing industry on the final structure of its regulatory framework. Other jurisdictions across Canada have undertaken stakeholder engagements, consultations and/or surveys to explore potential approaches to taxi and TNC regulations.

B.C.'s current safety and economic regulatory framework for passenger transportation does not make provisions for today's technology and service options. In addition, there is no insurance product provided by ICBC that is priced for part-time, flexible vehicles-for-hire. Under the existing insurance regime, vehicle owners are required to purchase taxi or limousine insurance which is priced to reflect full time, higher risk commercial use.



II. STAKEHOLDER ENGAGEMENT OVERVIEW

Commitment to Stakeholder Engagement

The potential entry of ride sourcing into the province has implications for the B.C. economy, the taxi and limousine industry, local governments, consumers, the hospitality industry and other stakeholders. Consequently, it is important that government understands and carefully weighs the potential economic and social impacts of any new entrants to the province's passenger transportation sector.

To this end, the Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development and the Honourable Todd Stone, Minister of Transportation and Infrastructure, engaged in comprehensive, multi-stakeholder consultations over the spring, summer and fall of 2016. Through a targeted engagement process, the Ministers have had the opportunity to hear and understand a range of perspectives on the challenges and benefits that ride sourcing offers for British Columbians. Feedback was received from a wide range of stakeholders including representatives from:

- the taxi/limousine industry;
- TNCs;
- local governments;
- business and tourism associations;
- accessibility groups; and,
- industries affected by vehicle-for-hire regulations, such as insurance and consumer protection groups.

Ensuring that stakeholders were heard through this dialogue is critical to government's analysis of ride sourcing, and provides important information for any future decisions.

Emerging Principles

Over the course of the consultations, a number of frequently articulated principles emerged. These principles, along with associated recommendations, reflect the views and opinions of stakeholders with whom the Ministers consulted, and are provided for information. This input will be a key aspect of government's consideration of this issue, but does not reflect a provincial position.

Principle 1—Ensuring Passenger Safety and Vehicle Safety

A large number of stakeholders indicated that the physical safety of passengers should be a priority in any consideration of changes to the passenger transportation framework in B.C. Paired with this, ensuring the safety of passenger vehicles was also identified as a critical issue.

Stakeholder recommendations on how to achieve this included:

- requiring all vehicle-for-hire drivers to complete a background check that includes a criminal record and safe driving check;
- ensuring that drivers have safe driving training;
- requiring adequate liability insurance for all vehicles-for-hire to ensure that passengers and drivers are protected in the event of a vehicle accident and/or injuries; and,
- requiring all vehicles to be newer models and pass regular inspections.

Some stakeholders also observed that the entry of additional vehicles into the market could lead to lower fares. In turn, this increases the likelihood that individuals will choose to use vehicles-for-hire rather than driving under unsafe conditions, leading to an overall increase in road safety.

The issue of leased vehicles for vehicles-for-hire operations was also raised as a consideration. More specifically, in a situation where a leasing company owns a vehicle that is used as a taxi, bus, or limousine, that company remains fully liable for any claims that could arise from a vehicle-related accident.

Principle 2— Meeting Consumer Demand

The need to ensure that there are enough vehicles on the road to meet consumer demand for services was raised by a number of stakeholders. Several noted difficulties in accessing taxis quickly in urban centres, particularly during peak hours, holidays and special events. By extension, these types of shortages were also perceived by some as an issue of unsatisfactory customer service.

To address consumer demand, some stakeholders suggested that the Province should consider:

- increasing the number of taxi licenses, particularly in urban centres to meet customer demand in a timely manner; and,
- allowing TNCs to operate in B.C. to meet the growing consumer demand for passenger transportation services that can be secured easily and quickly through app-based technology.

WHAT STAKEHOLDERS SAID...

Remove red tape to improve transportation affordability and flexibility.

TOURISM INDUSTRY

The greatest potential benefactor of ridesharing would be consumers.

BUSINESS ASSOCIATION

New transportation service should adhere to the current regulations.

TAXI INDUSTRY STAKEHOLDER

Adopt a regulatory framework that ensures public safety, fairness, equity.

MUNICIPALITY

Insurance premiums for vehicles and inspections should apply to everyone in the industry.

TAXI INDUSTRY STAKEHOLDER

Choice, competition and innovation are the cornerstones of a vibrant business-friendly economy.

BUSINESS ASSOCIATION

Principle 3—*Guaranteeing Accessibility*

A number of stakeholders highlighted the need to ensure that any new entrants to the passenger transportation sector are able to meet the needs of residents and visitors with accessibility issues. Specific feedback addressed a range of associated issues including:

- not compromising the supply of accessible vehicles and ensuring that there are sufficient vehicles to meet the needs of seniors and people with disabilities;
- requiring that all vehicles-for-hire provide a range of booking and payment options; and,
- ensuring that drivers are trained to work with people with disabilities and that high quality services are provided for passengers.

Some stakeholders also suggested that there may be an opportunity for government to develop incentives and establish requirements for TNCs that would support ongoing delivery of accessible services for seniors and people with disabilities.

Principle 4—*Ensuring a Fair and Level Playing Field*

Many stakeholders cautioned against creating a two-tier regulatory framework with different rules for TNCs and the existing passenger transportation sector, and expressed the view that all passenger transportation service providers, including TNCs, taxis and limousines, should be subject to similar regulatory requirements. This would ensure fairness across the sector (a level playing field) and a balanced, safe environment for consumers and industry service providers.

Some respondents were concerned that the entry of large numbers of TNCs to the passenger transportation sector could result in a reduction in the value of existing taxi shares. This could negatively impact the livelihood of sector participants, many of whom have made significant investments in the industry, within the parameters of the existing regulatory environment.

Some suggestions from stakeholders to address these issues include:

- implementing consistent regulatory requirements for all passenger transportation providers in the areas of insurance, passenger and vehicle safety requirements, licensing and accessibility standards;
- requiring that all new entrants to the passenger transportation sector pay applicable federal and provincial taxes including Goods and Services, personal or corporate taxes;

- enforcing the same fare structures and rules for TNCs, taxis and limousines; and,
- amending the framework that regulates the passenger transportation sector industry to allow for greater competition between existing and new service providers —many stakeholders suggested that current passenger transportation service providers could satisfy consumer demand for app-delivered services if provided with a modernized regulatory framework.

Principle 5— *Building a Streamlined and Modernized Passenger Transportation Sector*

Some stakeholders suggested that B.C.'s passenger transportation sector is overregulated, and hampered by overlapping provincial and municipal regulatory requirements. They suggest that this has resulted in a complex and unwieldy sector where participants must interact with two levels of government, and in a regulatory structure that is challenged to respond to changing consumer interests.

Several also expressed the view that the current regulatory framework has led to lengthy delays in licensing applications and to supply caps that unnecessarily restrict the number of vehicles-for-hire. It was suggested that the resulting disconnect between supply and demand can negatively affect service standards and the ability for providers to meet the full scope of consumer interests.

A number of stakeholders suggested these challenges could be addressed by modernizing B.C.'s passenger transportation licensing structure, including by:

- amending and streamlining existing industry requirements in the vehicle licensing structure to reduce complexity and overlap in regulatory requirements between the province and municipalities; and,
- considering a regulatory model that requires all vehicles-for-hire to meet uniform, provincially-specified driver safety requirements to operate in B.C. This could enable consistent inter-municipal regulations and reduce duplicative or unique permitting requirements prescribed by individual municipalities.

Several stakeholders also suggested that existing passenger transportation providers could enhance their services through the use of value-added app based services, including through features such as providing passengers with trip costs in advance of their securing a ride.

III. MOVING FORWARD

Government is committed to transparent and open consultation with British Columbians on issues that affect them. Stakeholders have provided valuable and thoughtful feedback on ride sourcing and their perspectives of associated issues and opportunities. This study is intended to provide an overview of what was heard through that process.

The information provided by stakeholders will be an important part of government's consideration of this issue, and its assessment of the possible impacts of potentially allowing new entrants into the passenger transportation sector.

Feedback on the findings of this consultation can be provided at:
RideSourcing@gov.bc.ca

APPENDIX I

DEFINITIONS FOR THE PURPOSE OF THIS STUDY

"app based" is a term used to describe a type of software that can be used for a variety of purposes. In this study this term is used to describe the phone application software used to match up a driver partner with a passenger or passengers.

"driver partners" is a term used by ride sourcing companies to describe the individuals who drive for the ride sourcing company as independent contractors.

"Passenger Transportation Board" is an independent tribunal in British Columbia, established under the Passenger Transportation Act, whose primary responsibility is to make decisions on applications relating to the licensing of vehicles-for-hire and inter-city buses in B.C.

"ride sourcing" is a means of connecting riders with drivers via a website or smart phone app. A passenger uses a website or smart phone app, provided by a third party facilitator, to request or hail a ride. The driver typically uses a personal vehicle to transport the passenger for payment (a fare).

"transportation network companies" means companies that provide ride sourcing through app based software.

"vehicle-for-hire" means any vehicle that is used for the transportation of passengers for payment and includes taxis, limousines and ride sourcing vehicles. This term is synonymous with passenger transportation vehicles.



APPENDIX II

CURRENT STATUTES REGULATING B. C. TAXI INDUSTRY

- **Passenger Transportation Act - 2004**

The Act requires any vehicle operated by a person who charges or collects compensation for transporting passengers to hold a passenger transportation licence.

- **Commercial Transport Act - 1959**

The Act sets out the safety rules and standards for the mechanics of the vehicles including inspections, vehicle configuration and safety standards. The Minister of Transportation and Infrastructure is responsible for commercial vehicle safety and enforcement.

- **Insurance (Vehicle) Act - 2007**

The Act establishes the vehicle-related basic and optional insurance products that can be provided by ICBC and private insurers. Vehicle owners are required to purchase insurance specific to the activities/risks of the vehicle.

- **Motor Vehicle Act - 1924**

The Act defines requirement for Class 4 (restricted) driver's licence, which are the responsibility of ICBC, under the administration of the Minister of Public Safety and Solicitor General. The Act also covers vehicle safety standards, semi-annual inspections and enforcement tools.

- Class 4 (Restricted) Requirements – must have or be eligible for a class 5, minimum age is 19, no more than 4 penalty points in past 2 years, no motor vehicle related criminal code convictions in past 3 years and must pass a medical exam every 5 years.

- **Local Government Act - 2000 and Community Charter - 2003**

Under the Community Charter, councils are given a broad power, subject to limitations, to licence. The specific regulation of carriers and licensing of commercial vehicles is found in the Local Government Act.

- **Vancouver Charter - 1953**

The Vancouver Charter allows the City of Vancouver to issue commercial vehicle licences and set conditions on the operation of passenger transportation vehicles in Vancouver, including the supply of vehicles.

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THE CORPORATION OF THE DISTRICT OF OAK BAY
MUNICIPAL HALL – 2167 OAK BAY AVENUE – VICTORIA, B.C. V8R 1G2
PHONE 250-598-3311 FAX 250-598-9108 WEBSITE: www.oakbay.ca

September 29, 2016

The City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps and Council

Re: Continuing the Pemberton Trail Network

I have been approached by Ken Milbrath Chair of the Pemberton/Centennial Trail Task Force regarding the Victoria portion of the trail. The Pemberton (Victoria side) and Centennial (Oak Bay side) when connected will form a beautiful walking path bridging our two communities.

Mr. Milbraith advised that one of the challenges is that there is still a gap on the Victoria side.

Oak Bay, in honour of our Centennial in 2006, signed, mapped, and renamed our portion The Centennial Trail. The trail has been a valuable addition for the entire community, including non-residents and tourists.

Next year being our country's 150th celebrations, and with the Year of Truth and Reconciliation, connecting our communities and building 'a bridge' would be a powerful symbol and statement of unity and friendship. This would be an excellent opportunity to dedicate the combined route as the Lekwungen Sesquicentennial Trail, connecting with our end at Crescent Road and at your end at the David Foster Walkway, using the existing sidewalks and paths along the waterfront.

All in all it would require a rather small investment by Victoria which would not only complete half the distance of the entire trail system, but would also honour our First Nation neighbours.

I encourage you to support this initiative. Your staff can contact Mr. Milbbrath for more information.

Thank you for consideration.

Kind regards

A handwritten signature in black ink, appearing to read "Nils Jensen".

Nils Jensen, Mayor
District of Oak Bay

cc Ken Milbrath, Chair, Pemberton/Centennial Trail Task Force kmilbrath@telus.net





**Council Member Motion
For the Council Meeting of October 13, 2016**

Date: October 12, 2016

From: Councillor Ben Isitt

Subject: Reconciliation and Clemency for Leonard Peltier - Updated

Resolution:

WHEREAS Leonard Peltier, an indigenous activist from Chippewa and Dakota Sioux territory in the present-day United States, and an honorary member of the Kwakwaka'wakw Nation of northern Vancouver Island, has been detained within the American prison system since his extradition from Vancouver, Canada in 1976; and

WHEREAS Since that date, a growing movement has emerged in Canada and around the world demanding freedom for Leonard Peltier; and

WHEREAS This advocacy extends from Bishop Desmond Tutu in South Africa, to the Anglican Bishop of the Diocese of British Columbia, the Right Reverend Dr. Logan McMenamie, to the Catholic Bishop of Victoria, the Most Reverend Gary Gordon, who appeal to United States President Barack Obama to free Leonard Peltier by granting Executive Clemency prior to the conclusion of his term of office in January 2017; and

WHEREAS The appeal for clemency has also been endorsed by leaders and organizations including: the Dalai Lama, the European Parliament, Nelson Mandela, Amnesty International, and Warren Allmand, Solicitor General of Canada and Minister of Indian Affairs and Northern Development in the Government of Prime Minister Pierre Elliott Trudeau at the time Peltier was extradited from Vancouver; and

WHEREAS This advocacy is imbued with a personal connection to the current Government of Canada, with the Honourable Justice Minister Jody Wilson-Raybould's grandmother Ethel Pearson, an elder of the Musgamakw Tsawataineuk Nation, offering Leonard Peltier asylum here on Vancouver Island in the 1970s to prevent his extradition from British Columbia; and

WHEREAS Leonard Peltier was adopted as an honorary member of the Kwakwaka'wakw Nation at the time, in accordance with protocols that included consent by dozens of hereditary chiefs; and

WHEREAS Victoria City Council has recognized 2017 as a Year of Reconciliation;

THEREFORE BE IT RESOLVED THAT Victoria City Council endorse Bishop Desmond Tutu's appeal for clemency for Leonard Peltier and request that the Mayor, on behalf of Council, forward this resolution to the Federal Minister of Justice and Prime Minister of Canada, urging them to write and advocate to the President of the United States in support of Executive Clemency for Leonard Peltier, as an act of reconciliation with the indigenous people of North America prior to the conclusion of President Obama's term of office in January 2017.

Respectfully submitted,



Councillor Ben Isitt

Attachments.

Amnesty International Issue Brief on Leonard Peltier's Case
Resolutions of European Commission, 1995 and 1999
Letter from the Reverend Gary Gordon, Bishop of the Diocese of Victoria
Letter from the Right Reverend Dr. Logan McMenamie, Bishop of the Diocese of British Columbia
Letter from the Right Reverend Mark MacDonald, National Indigenous Anglican Bishop
Letter from the Venerable Alastair McCollum, Rector of John the Divine Anglican Church
Letter from Dr. David Suzuki, Professor Emeritus, University of British Columbia
Letter from Dr. Val Napoleon, Associate Professor of Law, University of Victoria
Letter from Dr. John Lutz, Chair of the Department of History, University of Victoria
Letter from Gerry Ferguson, Distinguished Professor of Law, University of Victoria
Letter from Dr. Larry Hannant, Adjunct Professor of History, University of Victoria
Letter from Scott Lawrence, Ed. D.
Letter from Dr. James Rowe, Associate Professor Environmental Studies, University of Victoria
Letter from the Reverend Wallace Eamer, Deacon, St. Peter and St. Paul Parish
News articles from *Globe and Mail*, 1976 and 2000



ISSUE **AMNESTY** INTERNATIONAL BRIEF

LEONARD PELTIER: 4 DECADES OF INJUSTICE

Leonard Peltier is an Anishinabe-Lakota Native American serving two consecutive life sentences in a federal prison. When arrested, he was a leading member of the American Indian Movement (AIM), an advocacy group and movement concerned with Native American rights. In 1975, during a confrontation involving AIM members, two FBI agents were shot dead. Peltier was convicted of their murders, but has always maintained his innocence. Amnesty International (AI) has studied his case extensively over many years and has serious concerns about the fairness of the legal proceedings surrounding his trial and conviction. The organization believes that political factors may have influenced the way in which the case was prosecuted.

Leonard Peltier's most recent petition for release on parole was denied by the US Parole Commission in 2009, and AI understands that he is not eligible for consideration for parole again until 2024. Given that all available legal remedies have been exhausted and that Leonard Peltier has now spent 40 years in prison and is in poor health, AI believes that in the context of these ongoing concerns, the US authorities should facilitate Leonard Peltier's release from prison on humanitarian grounds and in the interests of justice.

On 26 June 1975, during a confrontation involving AIM members on the Pine Ridge Indian reservation in South Dakota, FBI agents Ronald Williams and Jack Coler were shot dead. Leonard Peltier was convicted of their murders in 1977 and sentenced to two consecutive life sentences. While Leonard Peltier does not deny that he was present during the incident, he has always denied killing the agents as was alleged by the prosecution at his trial.

A key alleged eyewitness to the shootings was Myrtle Poor Bear, a Lakota Native woman who lived at Pine Ridge. Following the shootings, Leonard fled to Canada. He was extradited on the basis of Myrtle Poor Bear's statement that she had seen Leonard Peltier kill Ronald Williams and Jack Cole. However, Myrtle Poor Bear later retracted her testimony. Although not called as a prosecution witness at trial, the trial judge refused to allow Leonard Peltier's attorneys to call Myrtle Poor Bear as a defense witness on the grounds that her testimony "could be highly prejudicial to the government." In 2000, Myrtle Poor Bear issued a public statement to say that her original testimony was a result of months of threats and harassment from FBI agents.

In 1980 Leonard Peltier's lawyers obtained documents that were released as a result of a lawsuit under the Freedom of Information Act. The documents contained evidence that might have assisted Leonard Peltier's case, but was withheld by the prosecution at trial. However in 1986, the US Court of Appeal for the Eighth Circuit denied Leonard Peltier a retrial, stating that: "We recognize that there is some evidence in this record of improper conduct on the part of some FBI agents, but we are reluctant to impute even further improprieties to them."

In 1991 Gerald Heaney, the judge who presided over Leonard Peltier's 1986 appeal hearing, expressed his concerns about the case. In a letter to Senator Daniel Inouye, Chair of the Senate Select Committee on Indian Affairs, Gerald Heaney wrote that he believed: "the FBI used improper tactics in securing Peltier's extraction from Canada and in otherwise investigating and trying the Peltier case." He added: "Although our Court decided that these actions were not grounds for reversals, they are, in my view, factors that merit consideration in any petition for leniency filed."

The US Parole Commission has held a number of parole hearings on Leonard Peltier's case. However, it has always denied parole on the grounds that Peltier did not accept criminal responsibility for the murders of the two FBI agents. This is despite the fact that, after one such hearing, the Commission acknowledged that, "the prosecution has conceded the lack of any direct evidence that you personally participated in the executions of two FBI agents."



ISSUE **AMNESTY INTERNATIONAL** BRIEF

Leonard Peltier is currently imprisoned in a high security facility in Florida, approximately 2,000 miles from his family in North Dakota. It is not only a physical hardship for his family to visit him, but also nearly impossible financially. As a result, he is very rarely visited by his loved ones, even as his health declines. Leonard Peltier is now 71 years old, and suffers from diabetes. In January 2016, he was diagnosed with an abdominal aortic aneurysm which can be fatal if ruptures. His attorneys filed for clemency in February 2016.

BACKGROUND

The American Indian Movement (AIM) is an activist group involved in promoting the rights of "traditionalist" Indians during a period of intense conflict in the 1970s. In the two years prior to the confrontation in which the two FBI agents were killed, more than 60 Indians on the Pine Ridge reservation had been killed, allegedly by paramilitary squads connected to the tribal government, without anyone being brought to justice for the crimes. AIM members who had come to the reservation to assist "traditionalists" opposing the tribal government were also allegedly threatened. Relations between AIM and the FBI were also tense, with accusations that the authorities had not done enough to protect those at risk on the reservation.

The confrontation in which the two FBI agents were killed took place after the agents entered the reservation with an arrest warrant and started following a red pick-up truck. An exchange of gun fire took place. Evidence was presented at trial to show that the agents received multiple shots and were quickly disabled before being shot dead at point-blank range.

Two other AIM leaders were initially charged with the agents' murders and were tried separately: no evidence was presented to link them to the point-blank shootings. The jury acquitted them on hearing evidence about the atmosphere of violence and intimidation on the reservation and concluded that arguably they might have been acting in self-defense during the exchange of gunfire.

Following their acquittal, the FBI renewed its efforts to apprehend Leonard Peltier, securing his extradition from Canada in 1976, where he had fled following the shootings. At his trial, the prosecution alleged that the gun which killed the agents was his. During post-trial investigations, the defense team discovered a telex message suggesting that Peltier's gun contained a different firing pin from the one used to kill the agents. This was raised on appeal and a hearing to consider this evidence was held. However during the hearing the significance of the telex was contested by the government, which argued that sufficient evidence had been presented to the jury at trial to show that Leonard Peltier had "aided and abetted" the killings, even if he had not been the actual killer.

Amnesty International believes however that the outcome may well have been different had Leonard Peltier been able to effectively challenge the ballistics evidence linking him to the fatal shots.

RECCOMENDATIONS:

- Given the pervasive concerns surrounding Leonard Peltier's conviction and inasmuch as all available remedies have been exhausted, the interests of justice would best be served by releasing Leonard Peltier from prison.
- Leonard Peltier should be given immediate access to appropriate medical treatment.
- While he remains imprisoned, Leonard Peltier should be transferred to a prison facility nearer his home and family.

Thursday, 15 December 1994

3. Calls on the Iraqi Government to release immediately all doctors who have been imprisoned for refusing to carry out punitive branding and/or amputations;
4. Demands that the Iraqi authorities respect the internationally recognized ethical obligations of health professionals;
5. Calls on the Council and the Commission to exert pressure on Iraq to ensure that such atrocities are stopped and eliminated from Iraqi law;
6. Instructs its President to forward this resolution to the Commission, the Council, the Secretary-General of the UN, the Secretary-General of the Arab League and the Government of Iraq.

(e) B4-0499, 0542 and 0557/94

Resolution on clemency for Leonard Peltier

The European Parliament,

- A. recalling Mr Leonard Peltier's role in promoting respect for the human rights of Native Americans,
 - B. whereas in 1977 Mr Peltier was convicted and sentenced to two life sentences for the murder of two FBI agents in South Dakota in June 1975,
 - C. whereas Amnesty International has repeatedly expressed its concern about the trial which led to Mr Peltier's conviction; whereas he was found guilty on evidence which secured the acquittal of three other persons involved in the death of the two FBI agents,
 - D. whereas Mr Peltier has been supported in his efforts to obtain a new trial by most of the world's religious leaders; whereas, in addition, many members of the House of Representatives have filed a brief on his behalf,
 - E. whereas US Senator Daniel Inouye has proposed a Congressional hearing in order to clarify the circumstances which led to Mr Peltier being charged with murder,
 - F. concerned at the repeated refusal to reopen Mr Peltier's case or order a retrial,
 - G. whereas a petition for presidential clemency was submitted in November 1993 and a decision is expected in the near future,
1. Notes that Mr Peltier has exhausted all the appeal procedures under US law and urges presidential clemency or commutation of Mr Peltier's sentence;
 2. Calls for an investigation of the juridical improprieties involved in Mr Peltier's conviction;
 3. Instructs its Delegation for relations with the United States to include Mr Peltier's case on its next agenda;
 4. Welcomes Senator Inouye's initiative and instructs its delegation to keep a watching brief on developments;
 5. Instructs its President to forward this resolution to the Council, the Commission, the United States Congress and Senate, and the President of the United States.

51999IP0169**Resolution on the case of Leonard Peltier**

Official Journal C 150 , 28/05/1999 P. 0384

B4-0169, 0175, 0179 and 0199/99

Resolution on the case of Leonard Peltier

The European Parliament,

- having regard to its resolution of 15 December 1994 on clemency for Leonard Peltier ((OJ C 18, 23.1.1995, p. 183.)),

A. having regard to the role played by Leonard Peltier in the defence of the rights of indigenous peoples,

B. whereas he received two life sentences in 1997, although no proof of his guilt was ever furnished, after he had been extradited from Canada,

C. whereas Amnesty International has repeatedly expressed its concern about the fairness of the trial which led to Mr Peltier's conviction,

D. whereas the United States Administration now admits that the affidavits which were utilised to arrest and extradite Mr Peltier from Canada were false, and whereas US prosecutor Lynn Crooks has stated that the US Administration had no proof of who killed the agents,

E. whereas, after 23 years in federal penitentiaries, Mr Peltier's health has severely deteriorated, and whereas, according to specialists, if Mr Peltier does not receive proper medical treatment, his life could be in danger,

F. whereas the prison authorities continue to deny Mr Peltier appropriate medical treatment, in violation of international humanitarian law and of Mr Peltier's constitutional rights,

G. noting that Mr Peltier has exhausted all his appeals under United States law,

1. Insists once again that Leonard Peltier be granted presidential executive clemency;
2. Insists that Leonard Peltier be transferred to a hospital where he may receive appropriate medical treatment;
3. Reiterates its call for an investigation into the judicial improprieties involved in Mr Peltier's conviction;
4. Instructs its Delegation for relations with the United States to raise the case of Leonard Peltier at its next meeting with its American counterparts;
5. Instructs its President to forward this resolution to the Council, the Commission, the US Congress and the President of the United States.

10



Catholic Diocese of Victoria
Office of the Bishop

1-4044 Nelthorpe Street, Victoria, BC V8X 2A1 - Tel: 250-479-1331 - Fax: 250-479-5423 - Web: rcdvictoria.org

September 15, 2016

Attn: Mr. Larry Wartels, Vounteer Outreach
International Leonard Peltier Freedom Campaign

Via e-mail

Dear Mr. Wartels,

RE: Motion – Leonard Peltier Clemency

I would certainly lend my support for the release of Leonard Peltier from prison, after 41 years. In Canada, even for a capital crime people are released and eligible for parole after serving time for 25 years.

And I must say I was actually surprised to find out he was still in jail; I thought for sure he would have been released from prison. The appeal for clemency, I endorse.

In Communion,

A handwritten signature in blue ink, appearing to read 'Gary Gordon'. The signature is written in a cursive style.

Most Reverend Gary Gordon
Catholic Diocese of Victoria

+GG/jb



ANGLICAN COUNCIL OF INDIGENOUS PEOPLES

ANGLICAN CHURCH OF CANADA - 80 Hayden Street, Toronto, ON M4Y 3C2

Phone: (416) 924-9192 - Voicemail: (416) 924-9199 - Fax: (416) 969-9797



Victoria Mayor and Council

Re: Bishop Tutu's Clemency Appeal for Leonard Peltier

I am very happy to co-endorse the draft resolution relating to Bishop Tutu's appeal for Leonard Peltier.

Yours,

The Rt. Rev. Mark MacDonald
National Indigenous Anglican Bishop



St John the Divine Anglican Church

From The Rector, The Venerable Alastair McCollum
Archdeacon of Tolmie, Diocese of British Columbia

14th September 2016

Dear Mayor and Council,

I am writing in support of Councillor Ben Isett's Motion of August 25th 2016 calling for The Victoria City Mayor and Council to advocate for clemency for Leonard Peltier and to take the practical step of endorsing "...Bishop Desmond Tutu's appeal for clemency for Leonard Peltier," and also to "request that the Mayor, on behalf of Council, write to the Federal Minister of Justice and Prime Minister of Canada, urging them to write and advocate to the President of the United States in support of a Presidential Pardon for Leonard Peltier prior to the conclusion of President Obama's term of office in January 2017"

I hope that Council will feel able to join in this call for justice, and expedite such actions as soon as is practicable.

With thanks for Council's attention and consideration of the matter,

Yours sincerely,

The Venerable Alastair McCollum





The Right Reverend Dr. L. McMenamie
900 Vancouver Street
Victoria BC V8V 3V7
p 250.386.7781 ext 250 tf 1.800.582.8627
bishop@bc.anglican.ca bc.anglican.ca

September 13, 2016

Victoria Mayor and Council

Re: Bishop Tutu's Clemency Appeal for Leonard Peltier

I am happy to co-endorse the draft resolution relating to Bishop Tutu's appeal for Leonard Peltier.

Yours,

The Right Reverend Dr. Logan McMenamie
Bishop, Diocese of British Columbia
/ics

Dr. David Suzuki

New Data Enterprises
PO Box 19011, West 4th Avenue
Vancouver, BC V6K 4R8

Email: dlb@newdata.ca

October 4, 2016

Mayor and Council Members
City of Victoria
1 Centennial Square
Victoria, BC

Dear Mayor and Council:

Support for Councillor Ben Isitt's Motion for Clemency for Leonord Peltier

It is a disgrace that Leonard Peltier is still in prison and I whole-heartedly endorse Victoria Councillor Ben Isitt's appeal for Clemency for Leonard Peltier.

Sincerely,



David Suzuki



September 20, 2016

Dear Members of Victory City Council:

I am writing to endorse Councillor Ben Isitt's motion that "Council endorse Bishop Desmond Tutu's appeal for clemency for Leonard Peltier and request that the Mayor, on behalf of Council, write to the Federal Minister of Justice and Prime Minister of Canada, urging them to write and advocate to the President of the United States in support of a Presidential Pardon for Leonard Peltier prior to the conclusion of President Obama's term of office in January 2017."

Sincerely,

Dr. Val Napoleon

Associate Professor, University of Victoria Faculty of Law
Law Foundation Professor of Aboriginal Justice and Governance
Director and Academic Lead, Indigenous Laws Research Unit, University of Victoria Faculty of Law



University
of Victoria

PO Box 3045 STN CSC
Victoria British Columbia V8W 3P4 Canada
Tel (250) 721-7382, Fax (250) 721-8772
E-mail history1@uvvm.uvic.ca
<http://web.uvic.ca/history>

Department of History

Councillor Ben Isitt
Victoria City Council
City of Victoria
1 Centennial Square,
Victoria B.C.

Dear Councillor Isitt,

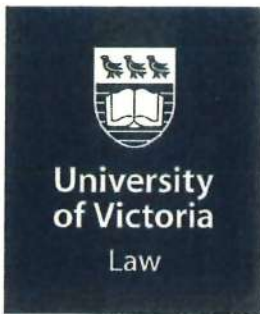
I am writing to add my voice to your petition to City Council requesting the City of Victoria's endorsement of a clemency request for Leonard Peltier. As a professional historian with a focus on settler-Indigenous relations I have been aware of the Peltier case for a very long time. Unbiased observers who have reviewed the Peltier case have repeatedly concluded that he did not get a fair trial and that much of the evidence connecting him to the death of two FBI agents was a result of biased police work intent on getting a conviction at any cost. Amnesty International, the UN High Commission on Human Rights, the European Parliament and many others have come to this same conclusion.

Peltier is an American, in an American jail and as individual Victorians we have little influence. But as the united citizens of one of Canada's major cities we do have the power to influence our national government, which, as we have just seen with the release of Kevin Garratt from a Chinese jail, can influence other governments when an injustice has been clearly done. We can make a difference if we act together.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Lutz'.

John Lutz, professor



Faculty of Law

University of Victoria
Murray & Anne Fraser
Building

PO Box 1700 STN CSC
Victoria British Columbia
V8W 2Y2 Canada

Tel 250.721.8150
Fax 250./21.6390
Web www.uvic.ca/law

October 4, 2016

Dear Members of Victoria City Council:

I am writing to endorse Councillor Ben Isitt's motion that "Council endorse Bishop Desmond Tutu's appeal for clemency for Leonard Peltier and request that the Mayor, on behalf of Council, write to the Federal Minister of Justice and Prime Minister of Canada, urging them to write and advocate to the President of the United States in support of a Presidential Pardon for Leonard Peltier prior to the conclusion of President Obama's term of office in January 2017."

Sincerely,

A handwritten signature in black ink, appearing to read "Gerry Ferguson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gerry Ferguson
Distinguished Professor of Law
Faculty of Law, University of Victoria



**University
of Victoria**

PO Box 3045 STN CSC
Victoria British Columbia V8W 3P4 Canada
Tel (250) 721-7382, Fax (250) 721-8772
E-mail history1@uvvm.uvic.ca
<http://web.uvic.ca/history>

Department of History

August 31, 2016

Dear Mayor and Council Members, City of Victoria

RE: Councillor. Ben Isitt's August 25, 2016 motion Advocacy for Clemency for Leonard Peltier.

I write to council with regard to this matter with some knowledge of the history of human rights, the general condition of indigenous people in the United States and also the specific circumstances of Leonard Peltier's arrest and extradition from Canada in 1976.

For five centuries, indigenous people in the US have suffered many injustices, including mass deportation, massacres perpetrated by government military forces and deprivation of the necessities of life and the right to practice their ancestral culture. Taken together, these acts could be said to constitute a genocide perpetrated on aboriginal people there.

Beginning in the late 1960s, partly stimulated by the deplorable conditions in which they lived and partly encouraged by the civil rights campaigns of African Americans, American Indians took up a bold effort to defend and advance their rights. In some cases, this took the form of the physical defence of their own territory against police and military forces arrayed by US and state governments.

That's the context in which Leonard Peltier in 1975 was at the Pine Ridge reservation in South Dakota, where indigenous people were defending their land against a combined Federal Bureau of Investigation and US military force of considerable size. In that confrontation, several people – Natives and non-Natives – were injured and killed. Two FBI agents were among the latter.

Accused of involvement in the death of the two agents, Peltier fled to Canada, was apprehended and extradited in 1976. As part of the extradition process, the US government submitted a crucial affidavit that was false in key details. Canadians who followed the legal process were convinced that the extradition itself was fraudulently obtained. Among them was Jim Fulton, Member of Parliament from Skeena, who in 1987 introduced a private member's bill in the Canadian House of Commons calling for Peltier to be returned to Canada.

Peltier has been in prison continuously since 1976. New evidence that has not been submitted to court speaks to Peltier's innocence in the deaths of the FBI agents. In addition, many people, including South African Bishop Desmond Tutu, have called for clemency for him. This effort has gained urgency as Peltier's health significantly deteriorates.

These and other facts lead me to endorse Councillor Ben Isitt's August 25, 2016 motion Advocacy for Clemency for Leonard Peltier.

I urge Victoria City Council to support Councillor Isitt's motion on September 8.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'LH' or 'Larry Hannant'.

Larry Hannant
Instructor, History, Camosun College (retired)
and
Adjunct Associate Professor
Department of History
University of Victoria

From the Desk of

W. Scott Lawrance,
Ed.D., RCC

To whom it may concern:

I have been following the case of Mr. Leonard Peltier for many years, since his extradition from Canada. Along with many others, I believe that there was a significant miscarriage of justice in this case on a number of counts. Mr. Peltier is now an older man with serious health concerns. He deserves to be freed to spend the remainder of his life in freedom, with his family.

Accordingly, I heartily endorse Clr. Ben Isitt's August 25, 2016 motion *Advocacy for Clemency for Leonard Peltier*.

Sincerely, Scott Lawrance

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Victoria, B.C. V8S 5E9





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August 31st, 2016

To Whom It May Concern:

Please accept this letter as my hearty endorsement of Clr. Ben Isitt's important August 25, 2016 motion *Advocacy for Clemency for Leonard Peltier*.

Sincerely,

A handwritten signature in black ink, appearing to read "James K. Rowe", written over a horizontal line. Below the line is a yellow rectangular highlight.

Dr. James K. Rowe
Assistant Professor
School of Environmental Studies
University of Victoria
jkrowe@uvic.ca

The Rev. Wallace Eamer
Deacon, St. Peter and St. Paul Parish
1379 Esquimalt Road
Esquimalt, B.C.

Dear Councillor Ben Isitt:

I am writing on the status of Leonard Peltier. Please share this letter with others interested in his case, as your see fit.

Justice has many elements, including truth seeking and compassion. I have great respect for truth seeking within the jury system, although like other human institutions there can be errors. A jury found Mr. Peltier guilty; I have no conclusive new evidence that their decision was in error.

Compassion is also an important in justice. The Gospel of John tells the story of the adulterous woman, who by the justice system of that time and place could be stoned to death. When those who would kill her according to Mosaic law asked Jesus what they should do, He shamed them with the words "Let him without sin cast the first stone". None were without sin, and no stone was cast. Jesus then said to the adulterous woman "Go, and sin no more".

As a deacon, I would apply that standard widely today. If Mr. Peltier is no danger to the public, it is vengeance, not justice, to keep him in jail so late into his life. Victims are not honoured or resurrected by vengeance; justice with compassion enables reconciliation. Mr. Peltier should be released by Presidential clemency, or on bail.

The Rev. Wallace Eamer

cc. The Rev. Lon Towstego

Indians fight Peltier extradition

The Globe and Mail (1936-Current); Feb 12, 1976; ProQuest Historical Newspapers: The Globe and Mail
pg. 8

Indians fight Peltier extradition

VANCOUVER (CP) -- American Indian Movement leaders in Vancouver asked yesterday that the Canadian Government prevent the extradition of Leonard Peltier, 31, an Indian on the FBI's 10-most-wanted list.

Peltier, of Grand Forks, N.D., was arrested near Jasper, Alta., last week and will appear in court here today for hearing of bail application. He is also being held pending an extradition hearing.

He is charged with attempted murder of a Milwau-

kee policeman, and was wanted for questioning in connection with the slaying of two FBI agents in South Dakota last June and an attempted murder in Ontario, Ore., in November.

AIM spokesman Ken Dennis told a news conference that extradition at this time would mean certain death for Peltier. Since the confrontation at Wounded Knee, S.D., in 1973 "more than 20 Indian people have been killed as a result of open warfare waged against native people by the U.S. Gov-

ernment."

He said the FBI was judge, jury and executioner, and Peltier has had to flee for his life.

Mr. Dennis said support for Peltier has been promised by the Union of British Columbia Indian Chiefs, the B.C. Association of Non-Status Indians and the Vancouver Indian Centre.

Bill Wilson of the Union of B.C. Indian Chiefs said he personally supports AIM's appeal and considers Peltier to be a political prisoner.

Victoria City Council
19 Oct 2016

Victoria City Council - 13 Oct 2016

Treatment criticized of Indian deported from B.C. prison

By JAMES JEFFERSON

Leonard Peltier, the American Indian Movement activist extradited to the United States Saturday, received "totally unjustifiable" treatment in a British Columbia prison, according to an Amnesty International report.

The report, sent to federal Justice Minister Ronald Basford last month, criticized prison officials for keeping Mr. Peltier in an "isolation unit" in Oakalla Prison in Burnaby, B.C., beginning three days after he arrived there in February.

It said the deputy warden of the prison justified the conditions of Mr. Peltier's confinement by calling him a "super maximum risk," but the official knew of no criminal convictions against him, and said he was a model prisoner.

The report also says:

—Mr. Peltier was permitted no outside exercise until June, but was allowed some inside exercise near his cell.

—There was no light inside his cell, but there was one outside which was on 24 hours a day, so that the cell was always fairly dark, but never dark enough for sleeping.

—At the time of writing, the report says, Mr. Peltier had not been allowed any physical contact with his wife and child.

—For the first four months of his confinement, Mr. Peltier was the only prisoner in the isolation unit; later, varying numbers of other prisoners were in the unit, usually for their own protection.

The report concludes that Mr. Peltier was being treated in that fashion because he was an Indian, an activist in AIM, and there were political aspects to his case.

The report was sent to Mr. Basford by the international executive committee of Amnesty International, a human rights organization which reports, among other things, on the treatment of political prisoners.

The report was written by James Lockyer, who teaches law at the University of Windsor and attended an appeal against the extradition order in British Columbia in October.

Mr. Lockyer said yesterday he also interviewed prison officials and Mr. Peltier, and visited his cell.

As far as he knew, he said Mr. Basford had never replied to the report. Mr. Basford had to make the final decision on whether Mr. Peltier, wanted in the United States for the murder of two FBI agents in South Dakota, should be extradited.

Natives to press for Peltier's release

*AIM activist jailed
24 years for murder*

DAVID ROBERTS
Manitoba Bureau, Winnipeg

Canada's native leaders want Justice Minister Anne McLellan to review the extradition of American native activist Leonard Peltier, and will press Ottawa to exert pressure on the U.S. government for the convicted killer's release.

Phil Fontaine, Grand Chief of the Assembly of First Nations, met yesterday with Mr. Peltier at Leavenworth Federal Penitentiary, near Kansas City, Kan.

Mr. Peltier, 55, has maintained his innocence in the shooting deaths of FBI agents Ronald Williams, 27, and Jack Coler, 28, during an exchange of gunfire on the Pine Ridge Indian Reservation in South Dakota in June, 1975. He is serving back-to-back life sentences at Leavenworth.

Mr. Fontaine said Amnesty International considers Mr. Peltier to be a political prisoner, and there remain many unanswered questions about his extradition from Canada, where he sought refuge, as well as lingering doubts over the fairness of his trial in Fargo, N.D., more than two decades ago.

In the past, luminaries such as actors Robert Redford and Danny Glover, singer Joni Mitchell and South African Bishop Desmond Tutu have called for Mr. Peltier's release. Former Canadian justice minister Warren Allmand also called for Mr. Peltier's release be-



Phil Fontaine, Grand Chief of the Assembly of First Nations, speaks yesterday before a poster of Leonard Peltier. Mr. Fontaine is joining counterparts in the U.S. to lobby on Mr. Peltier's behalf.

ORLIN WAGNER/AP

cause of questions surrounding his extradition, Mr. Fontaine said.

Mr. Fontaine was joined yesterday by leaders from the National Congress of American Indians in a four-hour prison meeting with Mr. Peltier.

"He's an important symbol in our community," Mr. Fontaine said in an interview. "He represents the injustice that has been visited on indigenous people of North America and the undying spirit of standing up to that injustice. He maintains his innocence and we believe him."

On Feb. 6, Mr. Peltier, in failing health, will have spent 24 years in prison. "He's had a stroke," Mr. Fontaine said. "So he's lost sight in one eye and he has problems with his jaw so he can't eat properly. But he's very strong. He said: 'I'm innocent. I will be free.'"

Mr. Peltier arrived at the troubled

Pine Ridge reservation through his activist work with the American Indian Movement. He fled to Canada after the shootings but was later extradited to the United States partly on the strength of testimony by Myrtle Poor Bear. She later retracted claims that she had seen Mr. Peltier pull the trigger and was declared mentally unfit to testify at trial. After a five-week trial, Mr. Peltier was convicted on April 18, 1977, of two counts of first-degree murder.

"We'll be asking [Ms. McLellan] to call on the U.S. government to free Mr. Peltier on humanitarian grounds," Mr. Fontaine said. "With the American delegation we'll be pursuing this with President Clinton. We think it's historic. It's the first time the Assembly of First Nations and the National Congress of American Indians have joined together to pursue such a goal."

James Bay United Church

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October 13, 2016

To: the Honorable Mayor, Lisa Helps, and Victoria City Counsellors
Re: the motion to endorse Bishop Desmond Tutu's appeal for clemency for
Leonard Peltier

Having become aware of Bishop Desmond Tutu's appeal for clemency for Leonard Peltier, I am glad to add my voice, urging the Victoria Mayor and City Council to do everything in its power to endorse the appeal.

Sincerely,

Rev. Karen Dickey
Minister, James Bay United Church
[by email]